

**ZB# 98-1**

**Robert Waltke**

**67-5-5**

Prelim.

#98-01 - Waltke, Robert

67-55. Use - 3 fam. House  
in NC Zone

January 12, 1998.

45 EAF - photo 4

Dead of Title 4

Motion to sched. P.H.

Interp. / Use / <sup>out of 1/24/98</sup> ~~out of 1/24/98~~

Public Hearing:

June 8, 1998.

Interpretation:

Residence is

pre-existing.

Non-Conforming

3 family - NC zone

Refund: 389.50

DATE April 28, 1998 **RECEIPT** 297676

RECEIVED FROM Bartlett & Bartlett

Address \_\_\_\_\_

One Hundred fifty 00/100 DOLLARS \$ 150.00

FOR ZBA

ACCOUNT		HOW PAID	
BEGINNING BALANCE		CASH	CK # 13728
AMOUNT PAID		CHECK	150.00
BALANCE DUE		MONEY ORDER	

Town Clerk

BY Dorothy H. Hanger





**APPLICATION FEE (DUE AT TIME OF FILING OF APPLICATION)**

APPLICANT: Waltke, Robert  
\_\_\_\_\_  
\_\_\_\_\_

FILE# 98-1

RESIDENTIAL: \$50.00  
INTERPRETATION: \$150.00

COMMERCIAL: \$150.00

AREA ☐

USE ☒

APPLICATION FOR VARIANCE FEE ..... \$ 150.00

*paid*  
# 13728

*4/28/98*

ESCROW DEPOSIT FOR CONSULTANT FEES ..... \$ 500.00

*paid*  
# 13729.

*4/28/98.*

**DISBURSEMENTS:**

**STENOGRAPHER CHARGES: \$4.50 PER PAGE**

PRELIMINARY MEETING-PER PAGE *7/12/98-6 pgs* ..... \$ 27.00

2ND PRELIMINARY- PER PAGE *4/8/98: 3 pgs* ..... \$ 13.50

3RD PRELIMINARY- PER PAGE ..... \$ \_\_\_\_\_

PUBLIC HEARING - PER PAGE ..... \$ \_\_\_\_\_

PUBLIC HEARING (CONT'D) PER PAGE ..... \$ \_\_\_\_\_

TOTAL ..... \$ 40.50

**ATTORNEY'S FEES: \$35.00 PER MEETING**

PRELIM. MEETING: *1/12/98* ..... \$ 35.00

2ND PRELIM. *4/8/98* ..... \$ 35.00

3RD PRELIM. .... \$ \_\_\_\_\_

PUBLIC HEARING. .... \$ \_\_\_\_\_

PUBLIC HEARING (CONT'D) ..... \$ \_\_\_\_\_

TOTAL ..... \$ 70.00

**MISC. CHARGES:**

..... \$ \_\_\_\_\_

TOTAL ..... \$ 110.50

LESS ESCROW DEPOSIT ..... \$ 500.00

(ADDL. CHARGES DUE) ..... \$ \_\_\_\_\_

REFUND DUE TO APPLICANT .. \$ 389.50

*Refund.*

**BARTLETT AND BARTLETT**  
ATTORNEYS & COUNSELLORS-AT-LAW  
11 ORCHARD ST., P.O. BOX 379  
WALDEN, NY 12586

13728


50-693  
219-315

DATE April 28, 1998

PAY  
TO THE  
ORDER OF TOWN OF NEW WINDSOR

\$ 150.<sup>00</sup>

*one hundred fifty 00/100*

DOLLARS 



KeyBank National Association  
Walden, New York 12586  
1-800-KEY2YOU

BARTLETT AND BARTLETT

FOR Robert Waltke

*Suzanne Joyce*

⑈013728⑈ ⑆021906934⑆ 152 30 720 0⑈

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11 ORCHARD ST., P.O. BOX 379  
WALDEN, NY 12586

13729

50-693  
219-315

DATE April 28, 1998

PAY  
TO THE  
ORDER OF TOWN OF NEW WINDSOR

\$ 500.<sup>00</sup>

*Five hundred 00/100*

DOLLARS 



KeyBank National Association  
Walden, New York 12586  
1-800-KEY2YOU

BARTLETT AND BARTLETT

FOR Robert Waltke

*Suzanne Joyce*

⑈013729⑈ ⑆021906934⑆ 152 30 720 0⑈

*Bartlett and Bartlett*  
*Counsellors at Law*

*George R. Bartlett (1923-1953)*  
*George R. Bartlett, Jr.*

Rec'd.  
TA office  
6/10/98 (PAB)

Inland  
minutes

*11 Orchard Street, P.O. Box 379*  
*Walden, New York 12586*

(914) 778-5621

Fax: 914-778-7020

June 9, 1998

Ms. Patricia A. Barnhart  
Attorney's Office/ZBA  
555 Union Avenue  
New Windsor, N. Y. 12553

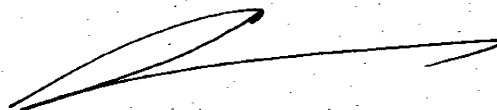
Re: Application of Waltke

Dear Ms. Barnhart:

It would be sincerely appreciated if you would request the Stenographer to forward me a copy of last night's Waltke Hearing Minutes and Resolution together with her bill for the same.

With sincere thanks for the courtesies extended by your office, I am,

Very truly yours,



G. R. Bartlett, Jr.

GRB/am

Date 6/22, 1998

# TOWN OF NEW WINDSOR

**TOWN HALL, 555 UNION AVENUE  
NEW WINDSOR, NEW YORK 12553**

TO Bartlett & Bartlett

.. DI

11 Orchard St., P.O. Box 379.

Walden, N.Y. 12586.

Change: ZBA

DATE	DESCRIPTION	CLAIMED	ALLOWED
6/22/95	Refund of Escrow # 98-1	\$ 389.50	
Approved: Patricia G. Banhart			
ZBA.			



-----X  
In the Matter of the Application of

**ROBERT S. WALTKE**

#98-7.  
-----X

**MEMORANDUM OF  
DECISION -  
INTERPRETING  
SEC. 48-8  
ZONING LOCAL LAW**

**WHEREAS, ROBERT S. WALTKE**, 46 Sycamore Drive, Wallkill, N. Y. 12589, has made application before the Zoning Board of Appeals for an interpretation and/or use variance as to pre-existence or non-conformity of three-family residence in an NC zone located at 1097 Route 94; and

**WHEREAS**, a public hearing was held on the 8th day of June, 1998 before the Zoning Board of Appeals at the Town Hall, New Windsor, New York; and

**WHEREAS**, the Applicant appeared before the Board himself and by G. R. Bartlett, Esq.; and

**WHEREAS**, there were no spectators appearing at the public hearing; and

**WHEREAS**, no one spoke in favor of or in opposition to the Application; and

**WHEREAS**, a decision was made by the Zoning Board of Appeals on the date of the public hearing granting the application; and

**WHEREAS**, the Zoning Board of Appeals of the Town of New Windsor sets forth the following findings in this matter here memorialized in furtherance of its previously made decision in this matter:

1. The notice of public hearing was duly sent to residents and businesses as prescribed by law and in The Sentinel, also as required by law.

2. The evidence presented by the Applicant showed that:

(a) The property is a three-family home located in an NC zone.

(b) The variance request is sought for an interpretation of the facts and Zoning Local Law determining that this home used as a three-family home, pre-existed the establishment of the Zoning Local Law in the Town of New Windsor and so that it may continue to exist.

(c) The property was built around 1955 and was purchased by its present owner in 1987.

(d) The Zoning Local Law of the Town of New Windsor making it illegal to have a three-family home in an NC zone took effect in 1975.

(e) The testimony of a neighbor, Gino Collini, shows that he has been residing next to this property for approximately 46 years and that this property has been used as a three-family property continuously since 1964 or 65.

**WHEREAS**, The Zoning Board of Appeals of the Town of New Windsor makes the following conclusions of law here memorialized in furtherance of its previously made decision in this matter:

1. This property has been continuously used as a three-family property since 1964 or 65.
2. This property has the status of a pre-existing, non-conforming use as a three-family home and may continue as such.

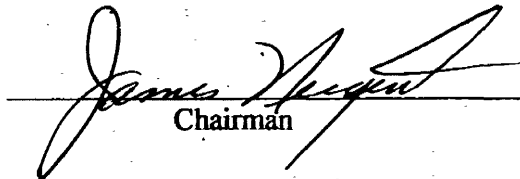
**NOW, THEREFORE, BE IT**

**RESOLVED**, that the Zoning Board of Appeals of the Town of New Windsor **INTERPRET** that the three-family residence be allowed in the NC zone based on its pre-existing, non-conforming status, which request was sought by the Applicant in accordance with plans filed with the Building Inspector and presented at the public hearing.

**BE IT FURTHER**

**RESOLVED**, that the Secretary of the Zoning Board of Appeals of the Town of New Windsor transmit a copy of this decision to the Town Clerk, Town Planning Board and Applicant.

Dated: August 10, 1998.

  
Chairman

Date 6/18/98, 19.....

# TOWN OF NEW WINDSOR

TOWN HALL, 555 UNION AVENUE  
NEW WINDSOR, NEW YORK 12553

TO ..... DR.

Frances Roth  
168 N. Drury Lane  
Newburgh, N.Y. 12550

DATE			CLAIMED	ALLOWED
6/8/98		Zoning Board	75.00	
		Misc - 2		
		<del>Board</del> Misc - 7		
		Bloomer - 5		
		Arunzo/Smith - 5		
		Tarpey - 5		
		Walthe - 3		
		Demilt - 2		
		Weller - 2	139.50	
		31		
			214.50	

WALTKE, ROBERT S.

MR. NUGENT: Request for interpretation and/or use variance as to pre-existence or non-conformity of three-family residence in NC zone located at 1097 Rt. 94.

G.R. Bartlett, Esq. and Mr. Robert Waltke appeared before the board for this proposal.

MR. NUGENT: Let the record show that there's no one in the audience.

MR. BARTLETT: Basically, what we have here is a dual application, both for a variance and for an interpretation of the ordinance to the effect of asking for a declaration that this is a pre-existing non-conforming use, which under your ordinance has the right to continue as such. The application for a variance was made on the suggestion of this board and the idea of combining both of them into one. The facts are set forth as to the losses of the property, if the use isn't permitted in the petition and we'll leave that as such. The important part here is the application which is made for a declaration of a valid pre-existing non-conforming use. We submitted here that Mr. Waltke purchased the property on June 23 of 1987. At the time of the purchase, he knew that the building was built around 1955 which was well prior to the adoption of any zoning ordinance and that no C.O. as such was required at the time. At that time, an affidavit was obtained from a previous owner of the property stating that the property had been used as a three-family house since sometime in 1966. Your ordinance which makes it illegal to have a three family home in an NC zone took effect in 1975. We presented here as exhibits copies of listings of brokers for the sale of the property. We also submitted as exhibits copies of binders of sale, all back in the 1975 era and all showing documentary proof that the property at the time was a three family residences in the one property. We also have here today one of the neighbors and neighborhood I think as you all know consists of multiple dwellings, single family dwellings, right

behind him is an excavating business and some two family dwellings. We have here today, a Mr. Gino Collini. Mr. Collini resides next door to this property and has lived there for some 40 years. I first met him at the hearing today. Would you tell these gentlemen what you told me about the use of that property?

MR. COLLINI: I have been living there off and on for 46 years. My mother owns the property, but I have power of attorney over her affairs. And I have known the former owner of the property who bought it in 1971 and I was talking to him, he lives in Florida and he said that it had been a three family when he bought it and had been a three family for five or six years before that. My personal knowledge, I can go back to about 1964 or '65, I'm not sure exactly which year that it was a three family since then.

MR. BARTLETT: Mr. Collini is a next door neighbor and the only member of the public hearing, you have no objection to this use as a three family?

MR. COLLINI: No.

MR. KRIEGER: Has it been continuously used as a three family since then?

MR. COLLINI: Yes, sir.

MR. KRIEGER: Would you spell your name for the reporter?

MR. COLLINI: G-I-N-O C-O-L-L-I-N-I.

MS. BARNHART: May I add right now for the record we did send out 29 addressed envelopes containing the notice on April 30, 1998.

MR. BARTLETT: I guess with that, I have nothing to add. As I say, there's only one member of the public hearing and by happenstance, he told me he knew this property going back that far, I'm very happy about that.

MR. TORLEY: Mr. Chairman, I find personally that he's made more than adequate case that there is a pre-existing non-conforming use.

MR. NUGENT: I agree also.

MR. TORLEY: I would make such a motion, if it would be acceptable?

MR. REIS: Acceptable.

MR. NUGENT: It's acceptable.

MR. REIS: Second it.

ROLL CALL

MS. OWEN	AYE
MR. REIS	AYE
MR. TORLEY	AYE
MR. NUGENT	AYE



1763

# TOWN OF NEW WINDSOR

555 UNION AVENUE  
NEW WINDSOR, NEW YORK 12553  
Telephone: (914) 563-4633  
Fax: (914) 563-4693

## OFFICE OF THE ASSESSOR FOR THE TOWN

January 23, 1998

Bartlett and Bartlett  
11 Orchard Street, P. O. Box 379  
Walden, N. Y. 12586  
Attn: G. R. Bartlett, Esq.

29

Re: Section 67 - Blk. 5 - Lot 5

Dear Mr. Bartlett:

According to our records, the attached list of property owners are within five hundred (500) feet of the above-referenced property. Also be advised that the above parcel crosses into the Town of Cornwall.

The charge for this service is \$45.00, minus your deposit of \$25.00. Please remit the balance of \$20.00 to the Town Clerk's Office.

Sincerely,

LESLIE COOK  
Sole Assessor

/pab  
Attachments

cc: Pat Barnhart, ZBA

Bruyn, Charles D. & Frances E.  
P.O. Box 303  
Vails Gate, N. Y. 12584

Cornwall Coal & Supply Co., Inc.  
Box D-Station Road  
Cornwall, N. Y. 12518

County of Orange  
255-275 Main Street  
Goshen, N. Y. 10924

Tarkett, Inc.  
800 Lanidex Plaza  
Parsippany, N. J. 07054

McCarthy, Paul & Donna  
58 Riley Road  
New Windsor, N. Y. 12553

Bryant & Ella Mae Harris  
Box 525  
Vails Gate, N. Y. 12584

Andrew A. Stahl, Jr.  
54 Riley Road  
New Windsor, N. Y. 12553

Leonard T. & Patricia D. Trizinsky  
50 Riley Road  
New Windsor, N. Y. 12553

Edward L. Miele  
Station Street - P. O. Box 116  
Southfields, N. Y. 10975

James E. Duffy  
30 Riley Road  
New Windsor, N. Y. 12553

Erie Properties Corp.  
401 So. Water Street  
Newburgh, N. Y. 12553

Alan & Linda Jobson  
P. O. Box 655  
Vails Gate, N. Y. 12584

Gary A. & Sharon P. Young  
Box 104  
Vails Gate, N. Y. 12584

Hudson Valley Drilling  
1104 Route 94  
Salisbury Mills, N. Y. 12577

First Venture of New Windsor, Inc.  
720 Route 208  
Gardiner, N. Y. 12525

Route 94 Properties, Inc.  
71 High Avenue  
Nyack, N. Y. 10960

Vernon & Brenda Peterson  
P. O. Box 494  
Vails Gate, N. Y. 12584

Beth H. Collins  
Fritz R. Hyatt  
614 Union Avenue  
New Windsor, N. Y. 12553

Daniel J. & Carol A. Nagy  
P. O. Box 66  
Vails Gate, N. Y. 12584

Luke F. Barnes  
Box 725, Garland Street  
New Windsor, N. Y. 12553

Fernando & Angela Collini  
P. O. Box 116  
Vails Gate, N. Y. 12584

Kwok Hei-San  
35 Dewitt Street  
Middletown, N. Y. 10940

Richard G. & Karen E. Mayer  
1113 Route 94  
New Windsor, N. Y. 12553

Steven M. Cruver  
P. O. Box 74  
Salisbury Mills, N. Y. 12577

Elaine P. Maurice  
P. O. Box 366  
Vails Gate, N. Y. 12584

Robert & Victoria Mule  
P. O. Box 565  
Vails Gate, N. Y. 12584

Romor Leasing Co., Inc.  
P. O. Box 1656  
Wappingers Falls, N. Y. 12590

Frederick & Christine Naclerio  
408 Carlton Circle  
New Windsor, N. Y. 12553

Kenneth E. & Patricia Bates  
P. O. Box 294  
Vails Gate, N. Y. 12584



TOWN OF NEW WINDSOR  
ZONING BOARD OF APPEALS

APPLICATION FOR VARIANCE

AND DECLARATION OF  
PRE-EXISTING USE

# 98-1

Date: 4/28/98

- I. Applicant Information: 46 Sycamore Drive  
(a) Robert S. Maltke Mallkill, New York 12589 Tel (914) 895-2238  
(Name, address and phone of Applicant) (Owner)  
(b) \_\_\_\_\_  
(Name, address and phone of purchaser or lessee)  
(c) G. R. Bartlett, Jr., 11 Orchard St., P.O. Box 379, Malden, NY 12586 Tel (914) 778-5621  
(Name, address and phone of attorney)  
(d) \_\_\_\_\_  
(Name, address and phone of contractor/engineer/architect)

II. Application type:

- (☒) Use Variance (☐ Sign Variance)  
(☐ Area Variance (☒ Interpretation)

III. Property Information:

- (a) M.C. 1097 Rt. 94, New Windsor, New York 67-5-5 97-150  
(Zone) (Address) (S B L) (Lot size)  
(b) What other zones lie within 500 ft.? C and R-3  
(c) Is a pending sale or lease subject to ZBA approval of this application? no  
(d) When was property purchased by present owner? June 23, 1987  
(e) Has property been subdivided previously? yes - 1952  
(f) Has property been subject of variance previously? no but is part of  
If so, when? subdivision map dated May 19, 1948, filed O.C.C. Jan. 28, 1952 #1493  
(g) Has an Order to Remedy Violation been issued against the property by the Building/Zoning Inspector? no  
(h) Is there any outside storage at the property now or is any proposed? Describe in detail: no

IV. Use Variance.

- (a) Use Variance requested from New Windsor Zoning Local Law, Section 22-2, Table of Use/ Bulk Regs., Col. A, to allow:  
(Describe proposal) To allow three family dwelling to continue in a MC zone

(b) The legal standard for a "use" variance is unnecessary hardship. Describe why you feel unnecessary hardship will result unless the use variance is granted. Also set forth any efforts you have made to alleviate the hardship other than this application.

See Addenda IV (b)

(c) Applicant must fill out and file a Short Environmental Assessment Form (SEQR) with this application.

(d) The property in question is located in or within 500 ft. of a County Agricultural District: Yes \_\_\_\_\_ No X.

If the answer is Yes, an agricultural data statement must be submitted along with the application as well as the names of all property owners within the Agricultural District referred to. You may request this list from the Assessor's Office.

V. Area variance: N/A

(a) Area variance requested from New Windsor Zoning Local Law, Section \_\_\_\_\_, Table of \_\_\_\_\_ Regs., Col. \_\_\_\_\_.

<u>Requirements</u>	<u>Proposed or Available</u>	<u>Variance Request</u>
Min. Lot Area _____	_____	_____
Min. Lot Width _____	_____	_____
Reqd. Front Yd. _____	_____	_____
Reqd. Side Yd. _____	_____	_____
Reqd. Rear Yd. _____	_____	_____
Reqd. Street Frontage* _____	_____	_____
Max. Bldg. Hgt. _____	_____	_____
Min. Floor Area* _____	_____	_____
Dev. Coverage* _____ %	_____ %	_____ %
Floor Area Ratio** _____	_____	_____
Parking Area _____	_____	_____

\* Residential Districts only

\*\* No-residential districts only

(b) In making its determination, the ZBA shall take into consideration, among other aspects, the benefit to the applicant if the variance is granted as weighed against the detriment to the health, safety and welfare of the neighborhood or community by such grant. Also, whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the area variance; (2) whether the benefit sought by the applicant can be achieved by some other method feasible for the applicant to pursue other than an area variance; (3)

## ADDENDA IV (b)

V. The property has been used for many years as a three family dwelling. If the number of dwelling units is reduced in any way the economic return will immediately become negative:

The present rentals and best rentals are:

\$595.00  
690.00  
800.00

x 12 = \$25,020.00 gross rental if  
no vacancy. Assume 5% vacancy  
factor and rentals are 23,769.00.

Present monthly expenses are

Mortgage (includes taxes)	\$1,340.00
Central Hudson (Budget)	156.00
Fuel Oil (Budget)	195.00
L. P. gas	30.00
Water & Sewer (\$86.00 quarterly)	28.00
Insurance (930 p/a)	77.00
Repairs	<u>100.00</u>

Monthly expenses                      \$1,926.00

Annual constant expenses              \$23,112.00

If one reduces the gross rental by one \$595.00 unit the gross rental would be reduced to \$17,880 without any vacancy factor and \$16,986 with a 5% vacancy factor.

Even if one assumes the cost might be reduced by \$1,636.00 (1/3 annual Central Hudson, fuel oil, L.P. gas and water and sewer) the annual constant expenses would be \$21,476.00. This constant economic negative is indeed a hardship and unnecessary since it is avoided by simply continuing the status quo of many years.

whether the requested area variance is substantial; (4) whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district; and (5) whether the alleged difficulty was self-created. Describe why you believe the ZBA should grant your application for an area variance:

See annexed Schedule A with 5 exhibits (A-E)

(You may attach additional paperwork if more space is needed)

VI. Sign Variance: N/A

(a) Variance requested from New Windsor Zoning Local Law, Section \_\_\_\_\_, \_\_\_\_\_ Regs.

	<u>Requirements</u>	<u>Proposed or Available</u>	<u>Variance Request</u>
Sign 1	_____	_____	_____
Sign	_____	_____	_____
Sign 3	_____	_____	_____
Sign	_____	_____	_____
	_____	_____	_____
	_____	_____	_____

(b) Describe in detail the sign(s) for which you seek a variance, and set forth your reasons for requiring extra or over size signs.

\_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

(c) What is total area in square feet of all signs on premises including signs on windows, face of building, and free-standing signs?

\_\_\_\_\_  
 \_\_\_\_\_

VII. Interpretation.

(a) Interpretation requested of New Windsor Zoning Local Law, Section 48-24, Table of \_\_\_\_\_ Regs., Col. \_\_\_\_\_.

(b) Describe in detail the proposal before the Board:

To interpret § 48-24 of New Windsor Zoning Law and determine and declare the subject premises to be pre-existing non-conforming use as defined by such section and entitled to the benefits and privileges of § 48-24 of the New Windsor Zoning Law; or in the alternative to grant a use variance to permit the continued operation of the three family home.

VIII. Additional comments:

(a) Describe any conditions or safeguards you offer to ensure that the quality of the zone and neighboring zones is maintained or

upgraded and that the intent and spirit of the New Windsor Zoning is fostered. (Trees, landscaping, curbs, lighting, paving, fencing, screening, sign limitations, utilities, drainage.)

IX. Attachments required:

- ☐ Copy of referral from Bldg./Zoning Insp. or Planning Bd.
- ☒ Copy of tax map showing adjacent properties.
- ☒ Copy of contract of sale, lease or franchise agreement.
- ☒ Copy of deed and title policy.
- ☒ Copy(ies) of site plan or survey showing the size and location of the lot, the location of all buildings, facilities, utilities, access drives, parking areas, trees, landscaping, fencing, screening, signs, curbs, paving and streets within 200 ft. of the lot in question.
- ☒ Copy(ies) of sign(s) with dimensions and location.
- ☒ Two (2) checks, one in the amount of \$\_\_\_\_\_ and the second check in the amount of \$\_\_\_\_\_, each payable to the TOWN OF NEW WINDSOR.
- ☒ Photographs of existing premises from several angles.

X. Affidavit.

Date: \_\_\_\_\_

STATE OF NEW YORK )  
 ) SS.:  
COUNTY OF ORANGE )

The undersigned applicant, being duly sworn, deposes and states that the information, statements and representations contained in this application are true and accurate to the best of his/her knowledge or to the best of his/or information and belief. The applicant further understands and agrees that the Zoning Board of Appeals may take action to rescind any variance granted if the conditions or situation presented herein are materially changed.

Robert J. Walke  
(Applicant)

Sworn to before me this

16<sup>th</sup> day of April, 1982.

XI. ZBA Action:

(a) Public Hearing date: \_\_\_\_\_.

(b) Variance: Granted (\_\_\_\_) Denied (\_\_\_\_)

(c) Restrictions or conditions: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

NOTE: A FORMAL DECISION WILL FOLLOW UPON RECEIPT OF THE PUBLIC HEARING MINUTES WHICH WILL BE ADOPTED BY RESOLUTION OF ZONING BOARD OF APPEALS AT A LATER DATE.

(ZBA DISK#7-080991.AP)

*Bartlett and Bartlett*

The Waltke property which was purchased on June 23, 1987 (copy of deed is annexed hereto and marked "Exhibit A") is situate in the Town of New Windsor in a Neighborhood Commercial zone. This zone purportedly does not permit a 3 family home. At the time of purchase of the property Mr. Waltke was advised by the Town of New Windsor Building Inspector that the building was built in 1955, which was prior to the adoption of any zoning ordinance and that no certificate of occupancy was required. He was also advised that there had been a 1968 remodeling. A copy of the Building Inspector's letter is annexed hereto and marked "Exhibit B". Also, at the time of purchase Mr. Waltke obtained an affidavit concerning the use of the property and annexed hereto and marked "Exhibit C" is a copy of the affidavit of James W. Effron dated June 23, 1987. On July 10, 1987 Mr. Waltke took title to the premises and they have been used prior and since that date as a 3 family dwelling. Section 48-40 of the Zoning Code, adopted May 21, 1975 as Local Law No. 3 - 1975, while leaving intact any previous penalties incurred prior to repealer, repeals any previous zoning ordinances and in effect starts a new slate.

Concerning pre-existing non-conforming uses Section 48-24 of the 1975 Zoning ordinance sets forth a set of rules pertaining to other than residential uses and as to residential uses provides specifically:

"Nonconforming residence use. Any residence use existing on the date of this local law which does not conform to the use regulations set forth in this local law or which becomes a nonconforming use by reason of any subsequent amendment shall be treated within the provisions of this local law as if it were a use permitted by right and shall be exempt from the provisions above. Residential buildings not conforming to district regulations for lot area, width or depth; yards, height or lot coverage; or minimum livable floor area per dwelling unit shall, however, be subject to the provisions of §§ 48-25 and 48-26."

Sections 48-25 and 48-26 are not pertinent to our present discussion.

*Bartlett and Bartlett*

Thus the issue becomes whether or not the subject property was used as a 3 family home on May 21, 1975, the date of the enactment of the Zoning Ordinance. The Building Inspector of the Town of New Windsor has no records concerning the dates at which the changes in the building were made and the only records are those in the Tax Department which are quite inconclusive and I suggest that everyone can agree that tax assessment records are rather weak proof of the use to which premises are put.

A complete investigation has been made and attached hereto and marked "Exhibit D" is a copy of a March 22, 1975 listing of the property in question with Real Estate Broker Ashton Rowell. You will note that this listing clearly shows that the property is a 3 family property and that it has 3 separate apartments. Also attached hereto and marked "Exhibit D" is a copy of a binder for the property dated October 1, 1975 showing the property to be a 3 family home as well a binder dated October 13, 1975 marked "Exhibit E" also stating that this was a 3 family home. When the Investigator contacted Ashton Rowell Mr. Rowell stated that he did not recall a lot of information pertaining to the property, however he was able to supply the aforementioned listing which was information provided to him at the time of the listing and as documentary proof.

Thus it clearly appears that the subject premises are a pre existing nonconforming three family use permitted as of right under Zoning Ordinance Section 48-24.



PLEASE ALLOW FIVE TO TEN DAYS TO PROCESS

**IMPORTANT**

**YOU MUST CALL FOR ALL REQUIRED INSPECTIONS OF CONSTRUCTION**

Other inspections will be made in most cases but those listed below must be made or Certificate of Occupancy may be withheld. Do not mistake an unscheduled inspection for one of those listed below. Unless an inspection report is left on the job indicating approval of one of these inspections it has not been approved and it is improper to continue beyond that point in the work. Any disapproved work must be reinspected after correction.

1. When excavating is complete and footing forms are in place (before pouring.)
2. Foundation inspection. Check here for waterproofing and footing drains.
3. Inspect gravel base under concrete floors and under slab plumbing.
4. When framing is completed and before it is covered from inside and plumbing rough-in.
5. Insulation.
6. Plumbing final and final. Have on hand electrical inspection data and final certified plot plan. Building is to be completed at this time. Well water test required and engineer's certification letter for septic system required.
7. Driveway inspection must meet approval of Town Highway Superintendent. A driveway bond may be required.
8. \$30.00 charge for any site that calls for the inspection twice.
9. Permit number must be called in with each inspection.
10. There will be no inspections unless yellow permit card is posted.
11. Sewer permits must be obtained along with building permit for new houses.
12. Septic permit must be submitted with engineer's drawing and perc test.
13. Road opening permits must be obtained from Town Clerk's office.
14. All building permits will need a Certificate of Occupancy or a Certificate of Compliance and there is no fee for this.

PLEASE PRINT CLEARLY

FILL OUT ALL INFORMATION WHICH APPLIES TO YOU

Owner of Premises Robert S. Waltke

Address 46 Sycamore Drive, Wallkill, New York 12589 Phone (914) 778-5621

Mailing Address c/o Bartlett & Bartlett, Esqs., 11 Orchard Street, Walden, New York 12586

Name of Architect \_\_\_\_\_

Address \_\_\_\_\_ Phone \_\_\_\_\_

Name of Contractor \_\_\_\_\_

Address \_\_\_\_\_ Phone \_\_\_\_\_

State whether applicant is owner, lessee, agent, architect, engineer or builder Owner

If applicant is a corporation, signature of duly authorized officer. \_\_\_\_\_

**FOR OFFICE USE ONLY**

Building Permit # \_\_\_\_\_

1. On what street is property located? On the South side of Route 94  
(N,S,E or W)  
and \_\_\_\_\_ feet from the intersection of \_\_\_\_\_
2. Zone or use district in which premises are situated Neighborhood Commercial Is property a flood zone? Y \_\_\_\_\_ N NO
3. Tax Map Description: Section 67 Block 5 Lot 5
4. State existing use and occupancy of premises and intended use and occupancy of proposed construction.  
a. Existing use and occupancy 3 Family Home b. Intended use and occupancy 3 Family Home
5. Nature of work (check if applicable) New Bldg ☐ Addition ☐ Alteration ☐ Repair ☐ Removal ☐ Demolition ☐ Other ☐
6. Is this a corner lot? NO
7. Dimensions of entire new construction. Front \_\_\_\_\_ Rear \_\_\_\_\_ Depth \_\_\_\_\_ Height \_\_\_\_\_ No. of stories \_\_\_\_\_  
No New construction
8. If dwelling, number of dwelling units: 3 Number of dwelling units on each floor 3  
Number of bedrooms 4 Baths 3 1/2 Toilets 4  
Heating Plant: Gas \_\_\_\_\_ Oil X Electric/Hot Air \_\_\_\_\_ Hot Water oil  
If Garage, number of cars \_\_\_\_\_
9. If business, commercial or mixed occupancy, specify nature and extent of each type of use \_\_\_\_\_  
\_\_\_\_\_
10. Estimated cost None Fee \_\_\_\_\_  
(To be Paid on this Application)
11. School District \_\_\_\_\_

*Costs for the work described in the Application for Building Permit include the cost of all the construction and other work done in connection therewith, exclusive of the cost of the land. If final cost shall exceed estimated cost, an additional fee may be required before the issuance of Certificate of Occupancy.*

\_\_\_\_ / \_\_\_\_ / 19 \_\_\_\_

APPLICATION FOR BUILDING PERMIT  
TOWN OF NEW WINDSOR, ORANGE COUNTY, NEW YORK  
Pursuant to New York State Building Code and Town Ordinances

Building Inspector: Michael L. Babcock  
Asst. Inspectors: Frank Lisi,  
New Windsor Town Hall  
555 Union Avenue  
New Windsor, New York 12553  
(914) 564-4618 563-4618  
(914) 563-4693 FAX

Bldg Insp Examined \_\_\_\_\_  
Fire Insp Examined \_\_\_\_\_  
Approved \_\_\_\_\_  
Disapproved \_\_\_\_\_  
Permit No. \_\_\_\_\_

REFER TO:

Planning Board ☐ Highway Dept ☐ Sewer ☐ Water ☐ Zoning Board of Appeals ☐

INSTRUCTIONS

- A. This application must be completely filled in by typewriter or in ink and submitted in duplicate to the Building Inspector.
- B. Plot plan showing location of lot and buildings on premises, relationship to adjoining premises or public streets or areas, and giving a detailed description of layout of property must be drawn on the diagram which is part of this application.
- C. This application must be accompanied by two complete sets of plans showing proposed construction and two complete sets of specifications. Plans and specifications shall describe the nature of the work to be performed, the materials and equipment to be used and installed and details of structural, mechanical and plumbing installations.
- D. The work covered by this application may not be commenced before the issuance of a Building Permit.
- E. Upon approval of this application, the Building Inspector will issue a Building Permit to the applicant together with approved set of plans and specifications. Such permit and approved plans and specifications shall be kept on the premises, available for inspection throughout the progress of the work.
- F. No building shall be occupied or used in whole or in part for any purpose whatever until a Certificate of Occupancy shall have been granted by the Building Inspector.

A declaration that the property is a pre-existing  
nonconforming use (see annexed history)

APPLICATION IS HEREBY MADE to the Building Inspector, for the issuance of a Building Permit pursuant to the New York Building Construction Code Ordinances of the Town of New Windsor for the construction of buildings, additions, or alterations, or for removal or demolition or use of property as herein described. The applicant agrees to comply with all applicable laws, ordinances, regulations and certifies that he is the owner or agent of all that certain lot, piece or parcel of land and/or building described in this application and if not the owner, that he has been duly and properly authorized to make this application and to assume responsibility for the owner in connection with this application.

*Robert S. Waltra*  
(Signature of Applicant)

46 Sycamore Drive, Wallkill, NY 12589

(Address of Applicant)

PLOT PLAN

NOTE:

Locate all buildings and indicate all set back dimensions. Applicant must indicate the building line or lines clearly and distinctly on the drawing.

N

W

E

S

CONSULT YOUR LAWYER BEFORE SIGNING THIS INSTRUMENT - THIS INSTRUMENT SHOULD BE USED BY LAWYERS ONLY

THIS INDENTURE, made the 23d day of June, nineteen hundred and eighty seven  
BETWEEN

ROBERT VANWAGENEN and MARIE E. VANWAGENEN, residing at  
Route 94, New Windsor, New York 12550

party of the first part, and

ROBERT WALTKE, residing at (no number), Beecher Hill  
Road, Box 137A, Wallkill, New York 12589,

party of the second part,

WITNESSETH, that the party of the first part, in consideration of ten and no/100 (\$10.00)  
dollars and other good and valuable consideration

~~xxxxxx~~

lawful money of the United States,

to them

paid

by the party of the second part, does hereby grant and release unto the party of the second part, the heirs or  
successors and assigns of the party of the second part forever,

ALL that certain plot, piece or parcel of land, with the buildings and improvements thereon erected, situate,

lying and being in the Town of New Windsor, County of Orange, State of New York, designated as Lot #6 on a subdivision map entitled "Subdivision of Land of Mrs. Frank Maurice, Vails Gate, New Windsor, Orange County New York," said map being filed as Map #1493 in the Orange County Clerk's Office; said premises are also designated on the tax map of the Town of New Windsor, Orange County, as Sec. 67, Block 5, Lot 5.

ALSO, the right and use in common with others over a right of way 20 feet wide extending from the southerly line of Route #94 in a southeasterly and northeasterly direction to the southwesterly line of Lot 7 as shown on the aforementioned map and being described as follows:

BEGINNING at a point in the southerly line of Route #94 at the northeasterly corner of Lot #2 of said Maurice subdivision map and runs thence along the said line of Route 94 North 63 19' 30' East 20.04 feet to a point, thence along the westerly line of (Lot #3) South 30 29' East 149.40 feet to a point; thence along the northerly line of said right of way, hereby described, being along the southerly line of Lots #3/#4 and #5 North 63 59' East 150.94 feet to a point in the southwesterly line of Lot #4, thence along said line South 47 30' East 21.49 feet to a point at the northeasterly corner of Lot #8, thence along the northerly line of said lot being the southerly line of said right of way South 63-59' West 176.17 feet to a point at the northwesterly corner of said Lot #8, thence along the westerly line of said right of way, being also along the easterly line of Lot #2, the following three courses and distances:

1. North 35 32' West 24.90 feet to a point;
2. North 33 08' West 22.51 feet to a point;
3. North 30 29' West 121.93 feet to the point or place of beginning.

TOGETHER ALSO in common use with others to the well lot and well facilities herein as shown and designated on said map as Lot #4 and being described as follows:

LIBER 2747 pg 53

BEGINNING at a point at the southwesterly corner of Lot #5 being in the northerly line of said 20 feet wide right of way and runs thence along the westerly line said Lot #5 North 23 38' West 22.06 feet to a point, thence South 66 38' West 30.03 feet to a point; thence South 23 38' East 23.45 feet to a point in the northerly line of said right of way, thence along said line North 62 59' East 30.0 feet to the point or place of beginning.

BEING the same premises conveyed by Ashton Rowell and Joseph Effron to Joseph Effron by deed dated November 21, 1985 and recorded December 3, 1985 in Liber 2446 of deeds at page 136 in the Orange County Clerk's Office.

BEING the same premises conveyed by James W. Effron, as Executor of the Estate of Joseph Effron to Robert VanWagenen and Marie E. VanWagenen by deed dated June , 1987 and recorded simultaneously herewith in the Orange County Clerk's Office.

REF 2747 PG 54





1763

# TOWN OF NEW WINDSOR

555 UNION AVENUE  
NEW WINDSOR, NEW YORK

April 6, 1987

Grendell Abstract Inc.  
380 Broadway  
Newburgh, New York

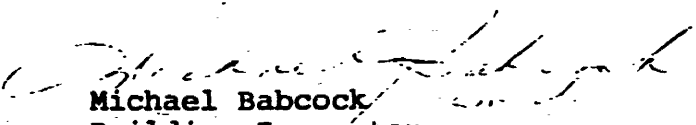
Re: Property assessed to Effron  
Section 67 Block 5 Lot 5  
Title No. GR 10-29060-0

Dear Sirs:

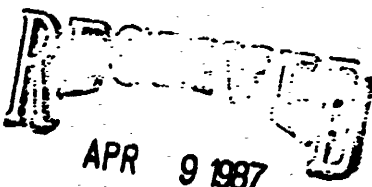
Please be advised that the structure located on the above referenced property was built in 1955 which was prior to this town adopting Building and Zoning Codes in 1966. Therefore, there is no Certificate of Occupancy for said structure nor is one required. However, according to our files this structure was shown as being remodeled in 1968, and there is no Certificate of Occupancy on our records as being issued to this structure.

Route 94, the road upon which said property abuts is owned and maintained by the State.

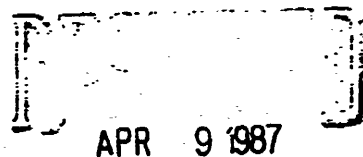
Very truly yours,

  
Michael Babcock  
Building Inspector

MB:hs



GRENDALL ABSTRACT, INC.



GRENDALL ABSTRACT, INC.

AFFIDAVIT

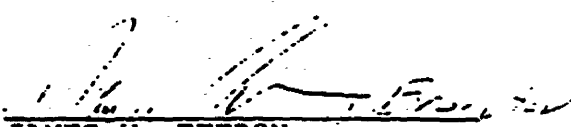
STATE OF NEW YORK: SS:  
COUNTY OF ORANGE:

JAMES W. EFFRON, being duly sworn, deposes and states:

1. I am the Executor of the Estate of JOSEPH EFFRON and the grantor of certain premises located at New Windsor, New York in a deed dated June 23, 1987 to ROBERT VAN WAGENEN and MARIE E. VAN WAGENEN.

2. The subject premises has been utilized as a three family dwelling continuously since prior to 1966, and said use has been open and unchallenged during the said period.

4. I make this affidavit well knowing that ROBERT WALTKE shall rely upon the truth of the statements herein contained.

  
JAMES W. EFFRON

Sworn to before this 22 day  
of June, 1987.

  
NOTARY PUBLIC

VAW2

KEVIN P. BRENNAN  
Notary Public, State of New York  
Qualified in Orange County  
No. 4637528

My Comm. Expires August 31, 1990

**Maurice**

EXCISE 1/21/75  
today

Location: Town of **New Windsor** File # **106**

Address **Rt. 94** Owner **Josephine** Family **3** Bed Rooms **4** Acreage or Plot **90x150** Price **33,900.**

Stories <b>1</b>	Age <b>20</b>	Type <b>Ranch</b>	Bath rooms	Construction <b>Block</b>	Condition Int.	Ext.	House Size <b>60'</b>	Date Listed <b>3-27-75</b>	Expire
Heat-Fuel <b>oil</b>	Elect. <b>220</b>	Hot Water <b>Furn.</b>	Plumbing <b>Copper</b>	Water <b>Well</b>	Gas <b>Btl.</b>	Sewerage <b>Sept.</b>	Basement <b>Part.</b>	Landscaping	Garage <b>no</b>
Floors	Walls <b>Plast.</b>	Roof <b>Shing.</b>	Foundation <b>Block</b>	1st Level	Level	Level	Level	Level	Level
School Tax <b>1350</b>	Present Mfg.	Attic <b>No</b>	Playroom <b>No</b>	Income <b>290.00</b>					
Assessment <b>36,800</b>	Mortgage <b>no</b>	Rent <b>yes</b>	Fireplace <b>2</b>						
Heat Cost <b>600.00</b>	Payment <b>no</b>	School District <b>Vails Gate</b>							
Zoning <b>Comm.</b>	Available <b>closing</b>	Rate	Type						

Non Real Estate Items Incl.

New furnace  
 New roof, new el. service  
 Apt. #1 occupied by owner  
 Bk. bed room fire place in liv. room  
 Apt. #2 E.I.K. 2 bed-rooms  
 Fire place in liv. Bath  
 Apt. #3 Bk. Bed room Liv. full furn.  
 Electric heat separate  
 call morning for appts.

565-7782  
 565-7784  
 565-7784

Owner <b>Josephine Maurice</b>	Address <b>Rt. 94 Windsor</b>	Phone <b>565-7788</b>
Location	Owner	Family
	Bed Rooms	Acreage or Plot
	Price <b>7782</b>	

# DALE'S DOODLE PAD

Central Hudson  
 Acct. #s of  
 Maurice property  
 in Vails Gate

363-3150  
 363-3160  
 363-3240

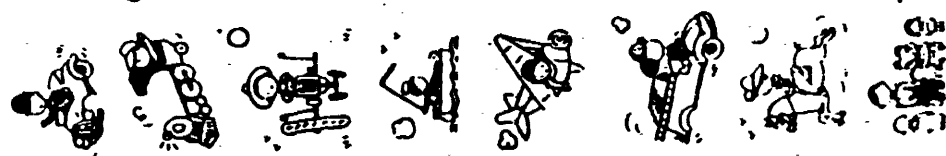
will be billed  
 to Powell & Effron  
 571 Main St.

as of  
 11/18 or 19/75

## DALE FUNDING CORP.

APPROVED FHA - VA LENDERS

175 Fulton Ave. • Hempstead, N.Y. 11550  
 516-486-1100  
 212-696-3200  
 914-428-7900



ASHTON ROWELL

LICENSED REAL ESTATE BROKER

157 SOUTH PLANK ROAD

PHONE: 914-564-3390

NEWBURGH, NEW YORK

BINDER OF SALE

Made and dated this 1<sup>st</sup> day of OCTOBER, 19 75  
BETWEEN JOSEPHINE MAURICE  
residing at Box 51 Vails Gate, Newburgh, N.Y.  
Who hereby agrees to sell, and ASHTON ROWELL  
residing at 12 ONE LAKE NEWBURGH, N.Y.  
Who hereby agrees to purchase the property known and described as:  
Box 51 Vails Gate - Newburgh, N.Y.  
owned by J. Maurice (3 Family apt)

Under the following terms and conditions:

Price twenty two thousand - Dollars (\$ 22000)

Payable as follows:

\$ 100 Cash herewith, receipt of which is hereby acknowledged  
\$ 2200 Cash on signing superseding contract on or about OCTOBER 2, 75  
\$ 9800 Cash on taking title to the premises  
\$ \_\_\_\_\_ Subject to existing mortgage bearing interest at \_\_\_\_\_ %  
\$ \_\_\_\_\_ Subject to purchaser obtaining a \_\_\_\_\_ year \_\_\_\_\_ mortgage loan at \_\_\_\_\_ %  
\$ 10,000 By buyer giving a 10 year purchase money 1st mortgage at 6 1/2 %

Mortgage to be callable at end  
of 3 yrs at option of seller  
subject to good title

Non-Real Estate items included in this sale are: AS PER LISTING AGREEMENT

~~In the event purchaser fails to obtain the above mortgage commitment(s), this contract shall become null and void and of no effect and all deposits shall be returned with no liability either party to the other.~~

Premises will be conveyed subject to restrictive covenants or other covenants of record, if any, which may be in force and effect. Taxes to be prorated as of date of closing. Closing of title will be at the office of:

SELLER'S ATTORNEY  
on or before OCT. 25, 19 75

PARTIES acknowledge Ashton Rowell as the sole broker who effected this sale, and the seller agrees to pay said broker its commission in the amount of 1100. This document shall impose the same obligations and confer the same rights as though it were a contract unless or until superseded by a more formal contract.

PARTIES authorize said broker to hold in trust, all monies payable under Binder and/or Contract and account for same at closing of title.

ACCEPTED:

Witness \_\_\_\_\_

Seller

Buyer

ASHTON ROWELL

561-0688

LICENSED REAL ESTATE BROKER

157 SOUTH PLANK ROAD

PHONE: 914-564-3390

NEWBURGH, NEW YORK

**BINDER OF SALE**

Made and dated this Oct 13 day of 1975

BETWEEN ASHTON ROWELL

residing at 12 ONA LANE - NEWBURGH, N.Y.

Who hereby agrees to sell, and LUIS AND SUYAPA RAMIREZ

residing at 198 SOUTH WILLIAM ST - NEWBURGH, N.Y.

Who hereby agrees to purchase the property known and described as:

Box 51 Route 94 NW - consisting of  
3 Family House and Lot Approx 90 x 140 -

Under the following terms and conditions:

Price thirty four thousand nine hundred Dollars \$34,900.

Payable as follows:

\$500.00 - RECEIVED BY A Rmml

\$1500 Cash herewith, receipt of which is hereby acknowledged

\$1500 Cash on signing superseding contract on or about OCT 25 1975

\$ Cash on taking title to the premises

\$ Subject to existing mortgage bearing interest at     %

\$ Subject to purchaser obtaining a     year     mortgage loan at     %

\$ By buyer giving a     year purchase money     mortgage at     %

BALANCE 32,900 to BE BOUGHT ON  
CONTRACT AMORTIZED FOR 20 YRS BUT  
PAYABLE IN 5 YRS INTENT to BE 8 1/2 %  
PLUS TAXES. HOUSE to BE BOUGHT AS  
IS - payments - 285.53 plus tax ESCROW 125

Non-Real Estate items included in this sale are: STOVES AND FURNITURE  
IN GARAGE Apartment - FINANCING to  
BE DONE BY SELLER.

In the event purchaser fails to obtain the above mortgage commitment(s), this contract shall become null and void and of no effect and all deposits shall be returned with no liability either party to the other.

Premises will be conveyed subject to restrictive covenants or other covenants of record, if any, which may be in force and effect. Taxes to be prorated as of date of closing. Closing of title will be at the office of:

    on or before    , 19    

PARTIES acknowledge Ashton Rowell as the sale broker who effected this sale, and the seller agrees to pay said broker its commission in the amount of    . This document shall impose the same obligations and confer the same rights as though it were a contract unless or until superseded by a more formal contract.

PARTIES authorize said broker to hold in trust, all monies payable under Binder and/or Contract and account for same at closing of title.

ACCEPTED:

Witness    

Seller

Buyer

Ashton Rowell  
Suyapa Ramirez  
Luis Ramirez

## LAND SURVEYORS - PLANNERS

ALSO KNOWN AS TAX LOT 5, SECT. 67.

ORANGE  
Filed in the Westchester County Clerk's Office Division of Land Records

**I have located all existing buildings and lines of possession and have shown their positions hereon.**

Survey completed: JAN 18, 1988

Map drafted: JAN. 19, 1988

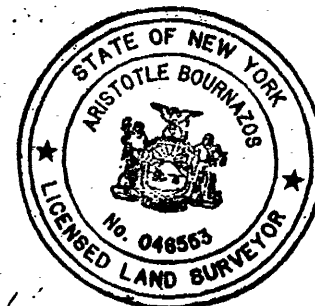
on scale of one inch to **30** feet.

I hereby certify this survey to *WALDEN SAVINGS BANK  
NATIONAL ATTORNEYS TITLE INSURANCE CO.  
ROBERT S. WALTKE  
CENTER BANK MORTGAGE CO.*

100 STEVENS AVENUE  
MT. VERNON, N.Y. 10550  
914-868-0880 0810

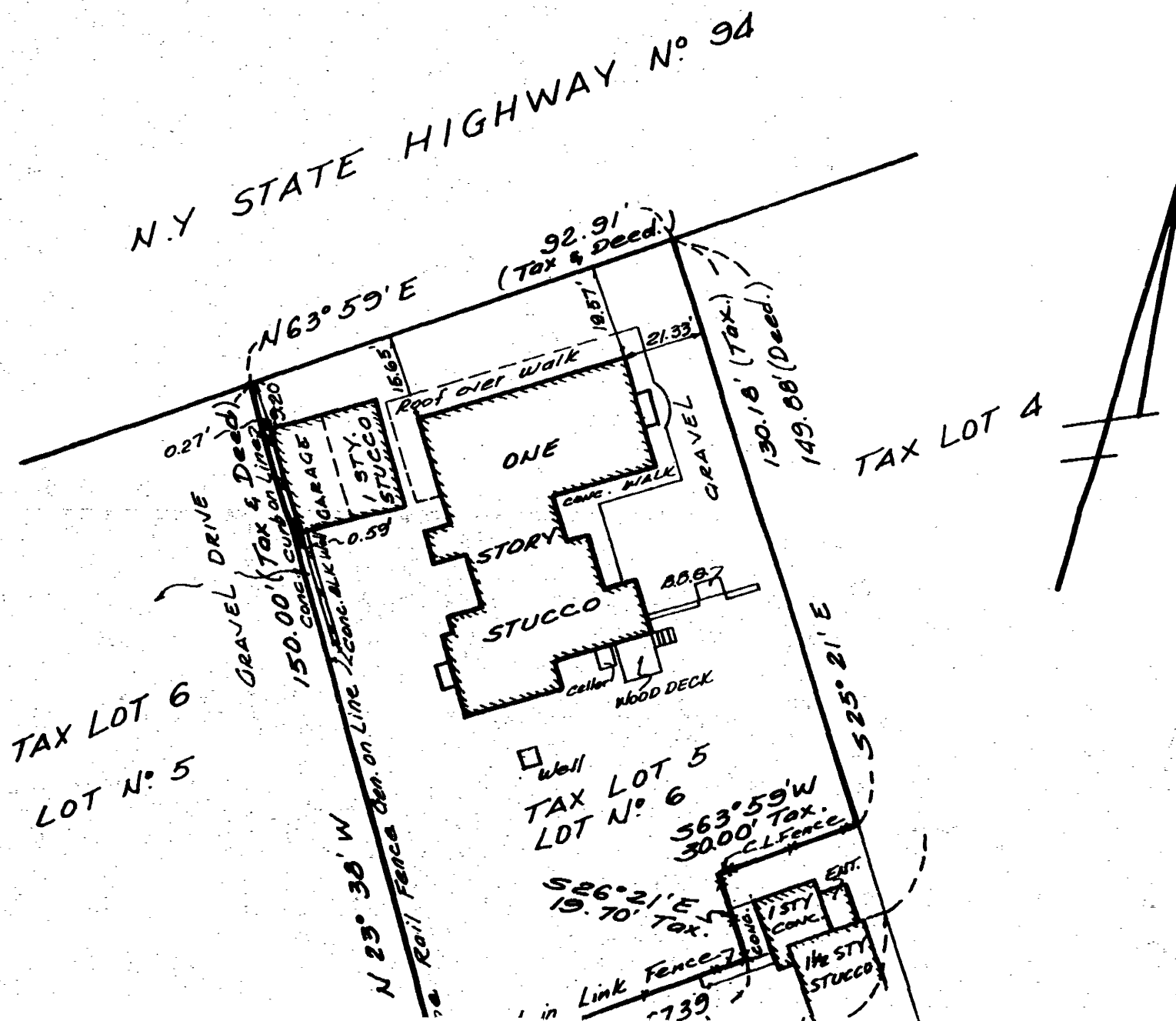


LICENSED IN  
NEW YORK  
NEW JERSEY  
CONNECTICUT

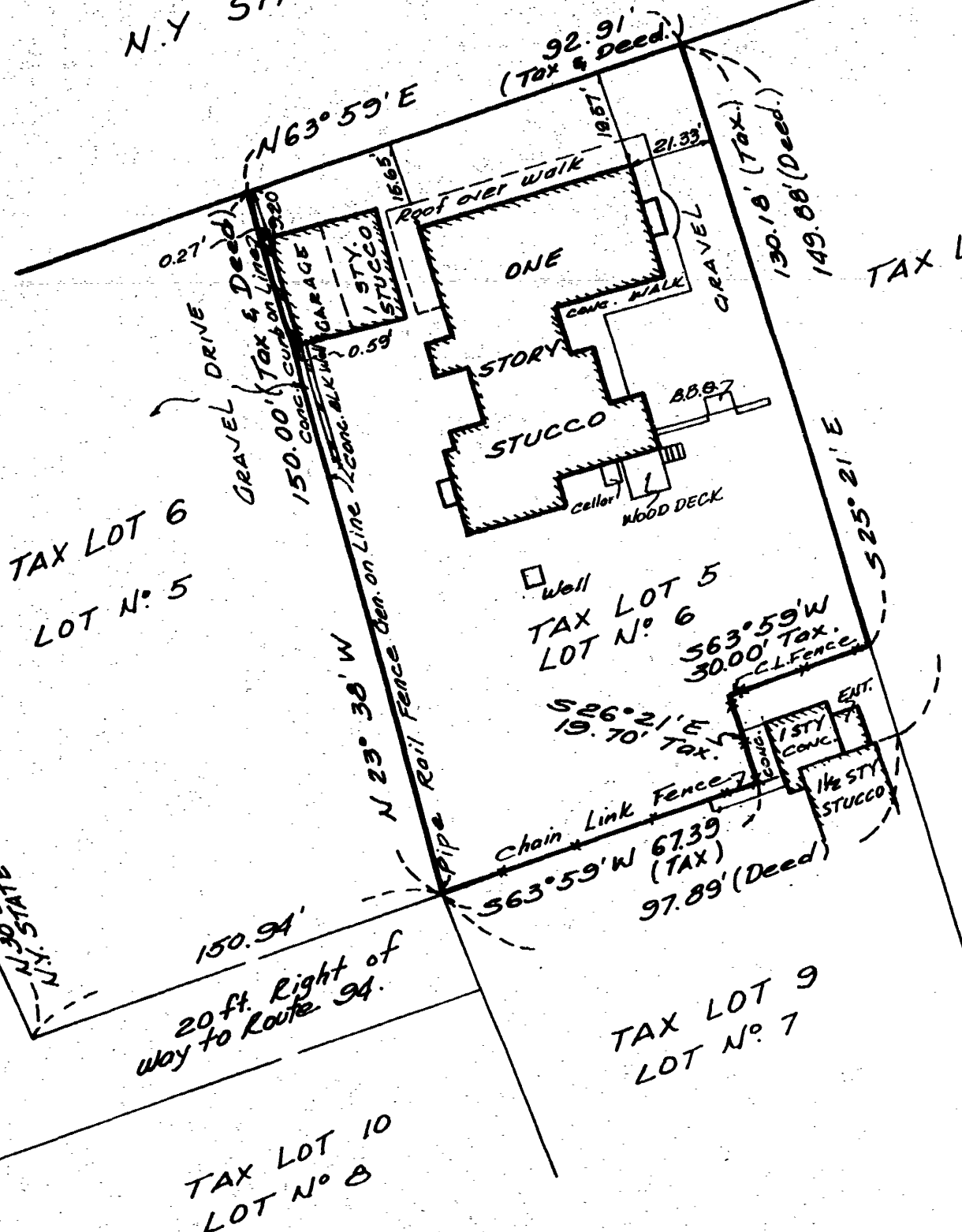


as Map 1493

**N.Y.S. Lic. 48553**



N.Y. STATE HIGHWAY N° 94



ARISTOTLE BOURNAZOS, P.C.

**PUBLIC NOTICE OF HEARING  
ZONING BOARD OF APPEALS  
TOWN OF NEW WINDSOR**

**PLEASE TAKE NOTICE** that the Zoning Board of Appeals of the TOWN OF NEW WINDSOR, New York, will hold a Public Hearing pursuant to Section 48-34A of the Zoning Local Law on the following Proposition:

**Appeal No. 1**

**Request of            Robert S. Waltke**

**for a VARIANCE and Interpretation of the Zoning Local Law to Permit:**

By declaration that the property is a pre-existing non-conforming residential use (§48-24); or in the alternative to grant a use variance to permit the continued operation of the three family home in a N. C. zone.

**being a VARIANCE of Section 48-8 Table of Use Regulations**

**for property situated as follows:**

**1097 Rt. 94, New Windsor, New York,**

**known and designated as tax map Section 67, Blk. 5, Lot 5.**

**SAID HEARING will take place on the 8th day of June, 1998 at the New Windsor Town Hall, 555 Union Avenue, New Windsor, New York beginning at 7:30 o'clock P.M.**

**JAMES NUGENT**

**Chairman**



**OFFICE OF THE BUILDING INSPECTOR  
TOWN OF NEW WINDSOR  
ORANGE COUNTY, NEW YORK**

*Prelim.  
Jan. 12, 1998  
#98-1*

**NOTICE OF DISAPPROVAL OF BUILDING PERMIT APPLICATION**

**APPLICANT IS TO PLEASE CONTACT THE ZONING BOARD SECRETARY AT (914)563-4630 TO  
MAKE AN APPOINTMENT WITH THE ZONING BOARD OF APPEALS.**

**DATE:** 12/3/97

**APPLICANT:** Waltke, Robert  
Beecher Hill Rd Box 137A  
Walkill, New York 12589

**PLEASE TAKE NOTICE THAT YOUR APPLICATION DATE:** 12/3/97

**FOR :**

**LOCATED AT:** Rt. 94

**ZONE:** N.C.

**DESCRIPTION OF EXISTING SITE:** 67-5-5

**IS DISAPPROVED ON THE FOLLOWING GROUNDS:**

1. Three Family house not allowed in a N. C. Zone.

  
**BUILDING INSPECTOR**

**PERMITTED**

**PROPOSED OR  
AVAILABLE:**

**VARIANCE  
REQUEST:**

**ZONE:           USE:**

**MIN. LOT AREA:**

**MIN LOT WIDTH:**

**REQ'D.. FRONT YD:**

**REQ'D. SIDE YD:**

**REQD. TOTAL SIDE YD:**

**REQ'D REAR YD:**

**REQ'D FRONTAGE:**

**MAX. BLDG. HT.:**

**FLOOR AREA RATIO:**

**MIN. LIVABLE AREA:**

**DEV. COVERAGE:**

**cc: Z.B.A., APPLICANT, FILE ,W/ ATTACHED MAP**

PROJECT I.D. NUMBER

617.20

SEQR


## Appendix C

## State Environmental Quality Review

## SHORT ENVIRONMENTAL ASSESSMENT FORM

For UNLISTED ACTIONS Only

## PART I—PROJECT INFORMATION (To be completed by Applicant or Project sponsor)

1. APPLICANT /SPONSOR Robert S. Waltke		2. PROJECT NAME	
3. PROJECT LOCATION: Municipality New Windsor County Orange			
4. PRECISE LOCATION (Street address and road intersections, prominent landmarks, etc., or provide map) Rt. 94 Section 67, Block 5, Lot 5 1097 Rt. 94 New Windsor New York			
5. IS PROPOSED ACTION: <input type="checkbox"/> New <input type="checkbox"/> Expansion <input type="checkbox"/> Modification/alteration None			
6. DESCRIBE PROJECT BRIEFLY: Declaration pre - existing non - conforming use or in the alternative the granting of a use variance to permit the continued operation of a three family home			
7. AMOUNT OF LAND AFFECTED: Initially .31 acres Ultimately .31 acres			
8. WILL PROPOSED ACTION COMPLY WITH EXISTING ZONING OR OTHER EXISTING LAND USE RESTRICTIONS? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No If No, describe briefly yes in that it is permitted as a pre-existing use			
9. WHAT IS PRESENT LAND USE IN VICINITY OF PROJECT? <input checked="" type="checkbox"/> Residential <input checked="" type="checkbox"/> Industrial <input checked="" type="checkbox"/> Commercial <input type="checkbox"/> Agriculture <input type="checkbox"/> Park/Forest/Open space <input type="checkbox"/> Other Describe:			
10. DOES ACTION INVOLVE A PERMIT APPROVAL, OR FUNDING, NOW OR ULTIMATELY FROM ANY OTHER GOVERNMENTAL AGENCY (FEDERAL, STATE OR LOCAL)? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If yes, list agency(s) and permit/approvals			
11. DOES ANY ASPECT OF THE ACTION HAVE A CURRENTLY VALID PERMIT OR APPROVAL? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If yes, list agency name and permit/approval			
12. AS A RESULT OF PROPOSED ACTION WILL EXISTING PERMIT/APPROVAL REQUIRE MODIFICATION? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No			
I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE TO THE BEST OF MY KNOWLEDGE			
Applicant/sponsor name: Robert S. Waltke			Date: 4/28/90
Signature: 			

If the action is in the Coastal Area, and you are a state agency, complete the Coastal Assessment Form before proceeding with this assessment

OVER

*Bartlett and Bartlett*  
*Counsellors at Law*

*George R. Bartlett (1923-1953)*  
*George R. Bartlett, Jr.*

*11 Orchard Street, P.O. Box 379*  
*Walden, New York 12586*

(914) 778-5621

Fax: 914-778-7020

Rec'd.  
ZBA - 4/29/98  
(FAB)

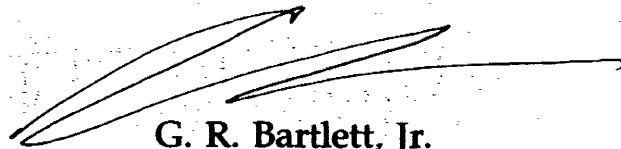
April 28, 1998

Ms. Patricia A. Barnhart, Secretary  
Zoning Board of Appeals  
Town Hall - 555 Union Avenue  
New Windsor, N. Y. 12553

Dear Ms. Barnhart:

I enclose herewith copy of list of property owners within 500 feet together with envelopes addressed to all of said owners plus the County of Orange. It is my understanding that you will mail the notices and arrange for the publication of the notice. I also enclose completed Short Environmental Assessment Form in duplicate.

Very truly yours,



G. R. Bartlett, Jr.

GRB/am  
Encls.



## Certificate Of Title

GRENDALL ABSTRACT INC  
380 Broadway  
Newburgh, N.Y. 12550

Title No. GR-10-29060-0

Certifies To: Bartlett & Bartlett, Esqs.

that an examination of title to the premises described in Schedule A has been made in accordance with its usual procedure and agrees to issue its standard form of insurance policy in the amount of \$ ~~105,000.00~~ *82,000.* insuring fee and the marketability thereof, after the closing of the transaction in conformance with procedures approved by the Company excepting (a) all loss or damage by reason of the estates, interests, defects, objections, liens, encumbrances and other matters set forth herein that are not disposed of to the satisfaction of the Company prior to such closing or issuance of the policy and (b) any question or objection coming to the attention of the Company before the date of closing, or if there be no closing, before the issuance of said policy.

This Certificate shall be null and void: (1) if the fees therefor are not paid, (2) if the prospective insured, his attorney or agent makes any untrue statement with respect to any material fact or suppresses or fails to disclose any material fact or if any untrue answers are given to material inquiries by or on behalf of the Company and (3) upon delivery of the policy. Any claim arising by reason of the issuance hereof shall be restricted to the terms and conditions of the standard form of insurance policy. If title, interest, or lien to be insured, was acquired by the prospective insured prior to delivery hereof, the Company assumes no liability except under its policy when issued.

This Certificate is intended for lawyers only. Such exceptions as may be set forth herein may affect marketability of title. Your lawyer should be consulted before taking any action based upon the contents hereof. The Company's representative at the closing hereunder may not act as legal advisor to any of the parties or draw legal instruments for them. Such representative is permitted to be of assistance only to an attorney. It is advisable to have your attorney present at the closing.

If any of the closing instruments will be other than commonly used forms or contain unusual provisions, the closing can be simplified and expedited by furnishing the company with copies of the proposed documents in advance of closing.

Dated 9:00 a.m. April 10, 1987

Redated: *6/23/87*

By: *[Signature]*

Closer's Signature

Owner: Robert Van Wagenen

Purchaser: Robert Waltke

Mortgagee: None

Premises: Rt. 94 T/O New Windsor

Office Issuing This Report: Nash Galli (914) 565-8900

NATIONAL ATTORNEYS' TITLE INSURANCE COMPANY

Countersigned: *[Signature]*

Authorized Officer of Agent



## **Additional Insurance**

Under New York Law, the purchaser of a one to four family dwelling, a residential condominium unit, or a residential cooperative leasehold interest, is entitled to increased title insurance coverage through a Market Value Policy Rider. This rider provides for title insurance coverage in the amount of the value of the insured premises at the time a loss is suffered with certain modifications. The additional cost of this rider is 10 percent (10%) of the regular premium charged for fee or leasehold title insurance.

If the insured contemplates making improvements to the property costing more than twenty per centum of the amount of insurance to be insured hereunder, we suggest that the amount of insurance be increased to cover the cost thereof; otherwise, in certain cases the insured will become a co-insurer.

## **Survey Coverage**

Our policy will except from coverage any state of facts which an accurate survey might show, unless survey coverage is ordered. When such coverage is ordered, this Certificate will set forth the specific survey exceptions which we will include in our policy. Whenever the word "trim" is used in any survey exceptions from coverage, it shall be deemed to include roof cornice, show window cornice, lintels, sills, window trims, entrance trim, bay window cornices, mouldings, belt courses, water tables, keystones, pilasters, portico and balcony all of which project beyond the street line.

In certain areas our policy will except from coverage any state of facts which a personal inspection might disclose unless survey coverage is ordered. In these cases a specific exception will appear in this Certificate.

## **Financing Statements And Fixtures**

Our examination of the title includes a search for any unexpired financing statements which affect fixtures and which have been properly filed and indexed pursuant to the Uniform Commercial Code in the office of the recording officer of the county in which the real property lies.

No search has been made for other financing statements because we do not insure title to personal property. We will on request, in connection with the issuance of a title insurance policy, prepare such a search for an additional charge. Our liability in connection with such a search is limited to \$1,000.00.

## **Special Deposits**

This Company assumes no liability for special deposits unless such special deposits are made payable to the order of and delivered to National Attorneys' Title Insurance Company. Deposits paid to or deposited with third parties (including Company agents) will not be the responsibility of this Company.

## **Foreign Investment in Real Property Tax Act (FIRPTA) as Amended (IRC Sec. 1445)**

The purchaser's attention is directed to the provisions of the above-cited statute. Failure to comply with its provision may result in the purchaser incurring liability to the Internal Revenue Service. This statute does not affect the quality of title insured and the Company does not insure compliance with the statute.

# National Attorneys' Title Insurance Company

Title No. GR-19-29060-0

This Company Certifies that a good and marketable title to the premises described in Schedule A, subject to the liens, encumbrances and other matters, if any, set forth in this Certificate may be

by Joseph Effron by deed from Ashton Rowell and Joseph Effron dated 11/21/85 and recorded 12/3/85 in Liber 2446 cp. 136.

*TO: ROBERT WALTKE by deed dated 6/23/87*

Source of title:

*Mtg hold by WALTER WALTKE in the amount of \$40,000.00 dated 6/23/82*

## Schedule A

The land referred to in this Certificate is described in Schedule A attached.

## Schedule B

Schedule B of the policy issued will contain the following standard exceptions in addition to those noted elsewhere herein:

The following estates, interests, defects, objections to title, liens, and encumbrances and other matters are excepted from the coverage of this policy.

1. Defects and encumbrances arising or becoming a lien after the date of this policy, except as herein provided.
2. Consequences of the exercise and enforcement or attempted enforcement of any governmental, war or police powers over the premises.
3. Any laws, regulations or ordinances (including, but not limited to zoning, building, and environmental protection) as to the use, occupancy, subdivision or improvement of the premises adopted or imposed by any governmental body, or the effect of any noncompliance with or any violation thereof.

4. Judgments against the insured or estates, interests, defects, objections, liens or encumbrances created, suffered, assumed or agreed to, by or with the privity of the insured.

5. Title to any property beyond the lines of the premises, or title to areas within or rights or easements in any abutting streets, roads, avenues, lanes, ways or waterways, or the right to maintain therein vaults, tunnels, ramps or any other structure or improvement, unless this policy specifically provides that such titles, rights, or easements are insured. Notwithstanding any provisions in this paragraph to the contrary, this policy, unless otherwise excepted, insures the ordinary rights of access and egress belonging to abutting owners.

6. Title to any personal property, whether the same be attached to or used in connection with said premises or otherwise.

## Disposition

We set forth the following additional matters, which will appear in our policy as exceptions from coverage unless disposed of to our satisfaction prior to the closing or delivery of the policy:

- omit* - 1. Taxes, tax liens, tax sales, water rates, sewer rents and assessments set forth herein.
- omit* - 2. Mortgages returned herewith and set forth herein none.
- omit* - 3. Any state of facts which an accurate survey might show or an inspection would disclose. (Insert Number)
- omit* - Survey exceptions set forth herein.
- omit* - 4. Affidavit of Title may be required on closing.
- omit* - 5. Leases of record.
- omit* - 6. Rights of present tenants and occupants.
- omit* - 7. Restrictive covenants, conditions, agreements or easements of record.
- Except* - 8. Right of Way in Liber 2446 cp. 136.
- Except* - 9. Water rights in Liber 2446 cp. 136

Questions regarding this Report may be discussed with Nash Galli (914) 565-8900

The closing requirements set forth inside the back cover are a part of this Certificate and must be complied with.

**National Attorneys' Title Insurance Company****SCHEDULE "B" CONTINUED**

*EXCEPT* 10. Easements in Liber 2023 cp. 646.

*omit* 11. Application indicated title is vested in Robert Van Wageningen. We find title in Joseph Effron. This must be satisfactorily explained.

*EXCEPT* 12. Rights of Utility Companies to maintain their poles, wires and guys.

*omit* 13. Some items returned on the tax search herein may have been paid, but payment not officially posted. Receipted bills to be produced at closing. If the bill is not available, the Company should be informed of this prior to closing.

*omit* 14. Compliance with the provisions of Chapter 44 of the Laws of 1984. (see Optional Market Value Policy Rider Annexed.)

*EXCEPT* 15. Premises described in "Schedule A". Fronts on Route 94, said Route may be widened without compensation.

*omit* 16. The tax designation must appear in the body of all instruments for recording.

*EXCEPT* 17. The exact courses, distances and dimensions of the premises described in Schedule "A" will not be insured without a survey certified to the Company.

*Info* 18. The following certificate of occupancy data is furnished for information only, having been obtained from sources considered reliable, but the Company assumes no liability for the accuracy of the information furnished.

*omit* 19. Attention is called to the fact that Company policy does not allow us to accept personal checks of insureds for amounts exceeding a total of \$1,000. We shall require attorney's checks or bank checks for the amount in excess of \$1,000.

*omit* 20. Pursuant to Chapter 751 of the Laws of 1980, the Real Property Transfer Tax Report Form must be completed at the time of closing by the purchaser and/or his attorney and submitted with all papers recorded in any County Clerk's Office within the State of New York, with the exception of the City of New York.

*omit* 21. All instruments to be recorded in the Putnam, Dutchess and Orange County Clerk's Office must be executed in black ink.

*omit* 22. A final water meter reading must be obtained prior to closing by the seller and proof of payment must be submitted at closing or policy will except all water charges (estimated readings are not acceptable.)



**National Attorneys' Title Insurance Company**  
**SCHEDULE "B" CONTINUED**

*23. Jm 1/1* A Credit Line Mortgage Certificate must be completed and filed at the time of recording any deed evidencing a sale or transfer of real property whether or not a mortgage recording tax is due. If the transfer is a transfer of other than a fee simple interest, the certificate is not required to be completed. The certificate will be a part of the Gains Tax Affidavit. (N.Y.S. Tax Law see 253 B; Title 20, Part 404 N.Y. C.C.R.R.)

*24. Jm 1* As of January 1, 1986 New York State Fire Code requires one smoke detector to be installed between living and sleeping areas upon the sale of a house.

25. Title to personal property is not insured, but the following Security Agreement and Financing Statement must be satisfied and discharged of record as they are filed so as to affect the real property:

Debtor:

Rowell, Ashton  
157 S. Plank Rd.  
Newburgh, NY 12550

Index No.: 00700

Dated: 1/31/79

Filed:

Maturity Date:

Continued by 00212 1/16/84.

Secured Party:

First National Bank of Highland  
54 Milton Ave.  
Highland, NY 12528

*26. Jm 1/1* Searches have been run against the names Robert Van Wagenen and Robert Waltke and returns, if any, appear herein.



SCHEDULE A

Page 2 of Policy No. GR-10-29060-0

The premises in which the insured has the estate or interest covered by this policy.

4 ALL that certain plot, piece or parcel of land, situate, lying and being in the Town of New Windsor, County of Orange, State of New York, designat as Lot #6 on a subdivision map entitled "Subdivision of Land of Mrs. Fran Maurice, Vails Gate, New Windsor, Orange County, New York," said map bein filed as Map # 1493 in the Orange County Clerk's Office; said premises ar also designated on the tax map of the Town of New Windsor, Orange County, as Sec. 67, Block 5, Lot 5.

INS X TOX

# National Attorneys' Title Insurance Company

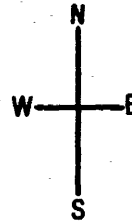
## Tax Search

- County Orange
- City \_\_\_\_\_
- Town New Windsor
- Village \_\_\_\_\_

Joseph Effron

Route 94

Title No. GR-10-29060-0



The tax search made herein is only the premises shown on diagram. No search is made against any part street on which said premises abut.

## Tax Designation

Assessed Valuation 1986 Land \$ 6,400.00 With Improvements \$ 30,200.00

- Sec. 67
- Block 5
- Lot No. 5

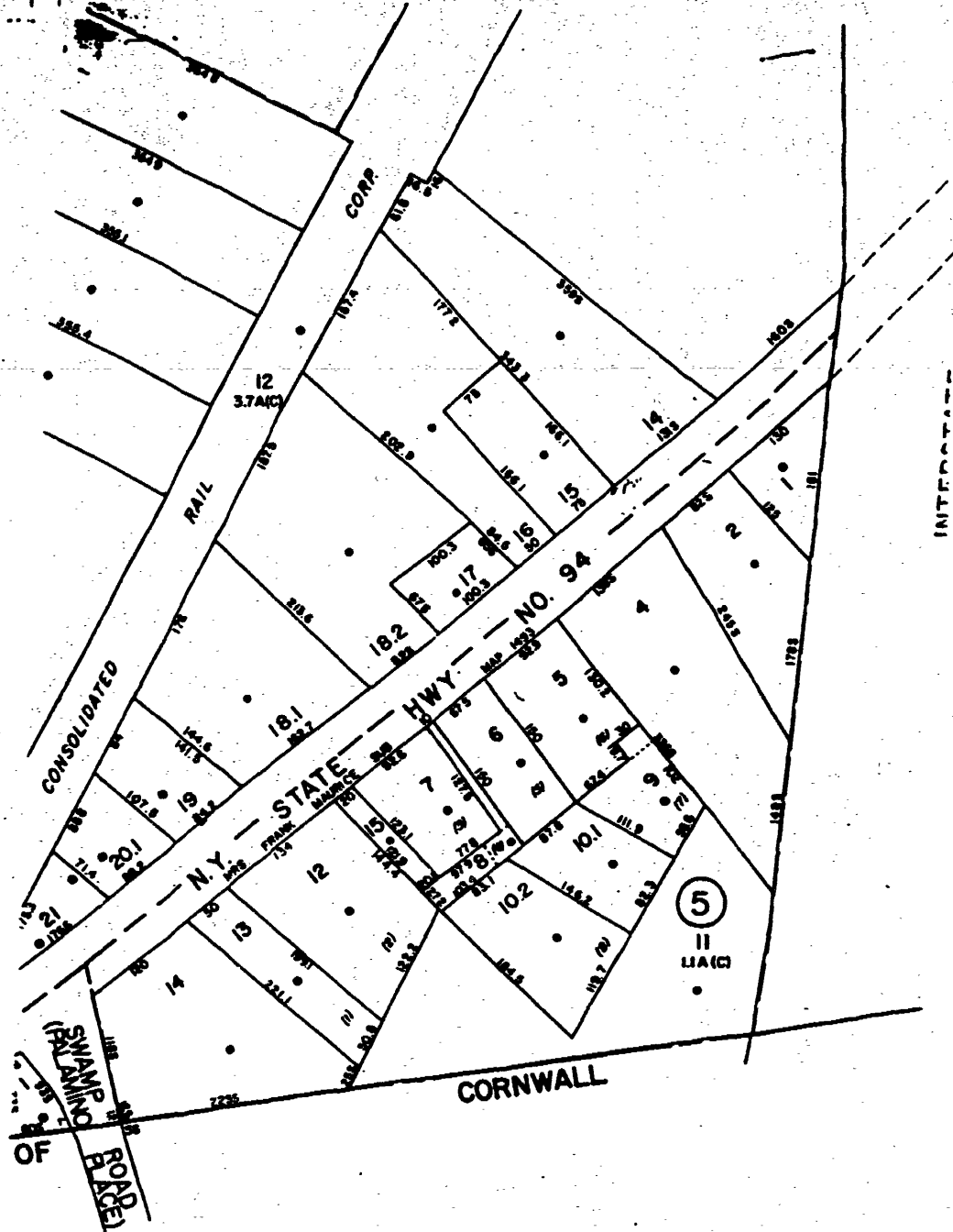
SCHOOL DISTRICT - NEWBURGH

*All unpaid Taxes, Assessments, Water Rates, Sewer Charges and Sales thereof affecting premises shown or described herein.*

Disposition	Returns
<div style="font-size: 2em; text-align: center;">O M /</div>	<b>Note: Interest and Penalty Charges to be added to the below amounts</b>
	1986 State, County and Town Tax - \$1,242.47 paid 1/29/86
	1987 State, County and Town Tax - \$1,282.27 paid 1/14/87
	1985/86 School Tax - \$984.94 1st installment - \$328.32 paid 10/2/85 2nd installment - \$328.31 paid 12/5/85 3rd installment - \$328.31 paid 3/6/86
	1986/87 School Tax - 1,913.00 1st installment - \$339.71 paid 10/7/86 2nd installment - \$339.71 paid 12/9/86 3rd installment - \$339.71 paid 3/6/87
	<b>RECEIPTED TAX BILLS TO BE PRESENTED AT CLOSING.</b>  <b>NEF 4/21/87 (kg)</b>

Some items returned hereon may have been paid but not officially posted. Receipted bills should be produced on closing. Policy does not insure against items which are not a lien at the date of the policy, nor for installments due after the date of this policy. Policy does not insure against pending assessments.

If premises are benefited by a Real Estate Tax Abatement personal to an exempt owner, additional taxes may accrue or may have accrued due to a change in ownership or possession. Any restored taxes from the date of transfer of title or possession from the exempt owner must be fixed and paid prior to the closing of title.



FILED PLAN BLOCK NO.	② ②
FILED PLAN LOT NO.	(40)
STATE HIGHWAYS	N.Y. STATE HWY. NO. 17
COUNTY HIGHWAYS	COUNTY HWY. NO. 4
TOWN ROADS	TOWN RD. 1

# ORANGE COUNTY~N

Photo No: 8-497,498 Date of M: 3-1-55  
 Date of Photo: 3-1-55 Date of R: 3-1-55

Scale: 1" = 100'

Scale: 1" = 100'

# National Attorneys' Title Insurance Company

The following mortgage is open of record:

Title No. GR-10-29060-0

*Disposition*

Mortgage No.

Amount

Dated

Mortgagor

Recorded

Liber

mp

Reel

pg

Mortgagee

Mortgage Tax Paid

NONE

This report does not give all the provisions of the mortgages, assignments or agreements above listed, or the balance due thereon. There may be unrecorded agreements which affect the terms of these instruments, and therefore inquiry should be made of the mortgagee. Note that the mortgagee's consent may be required for the sale of the premises.

If the above mortgage is satisfied before the closing, a certificate of discharge must be furnished to the company at or prior to closing.

**National Attorneys' Title Insurance Company**  
**SCHEDULE COVENANTS, CONDITIONS, EASEMENTS, LEASES**  
**AGREEMENTS OF RECORD, ETC.**

Right of Way in Liber 2446 cp. 136. (see attached)

"Company affirmatively insures the legal right of ingress and egress from the subject premises to and over a right of way to Route 94, the nearest public road.

Water Rights in Liber 2446 cp. 136 (see attached)

Easements in Liber 2023 cp. 646. ( see attached)

"Company affirmatively insures that with the exception of providing utility service to the subject dwelling, that same does not create any rights which extend more than 10 feet inside any record line, and that the exercise of any rights thereunder will not interfere with the use and occupancy of structural improvements located on the premises."

Section: 67  
Block:  
Lot:

party of the first part, and JOSEPH EFFRON residing at 511 Main Street, Poughkeepsie, New York.

party of the second part,

WEDNESDAY, that the party of the first part, in consideration of \$10.00-----

TEN AND 00/100-----dollar,

lawful money of the United States, paid

by the party of the second part, then hereby grant and release unto the party of the second part, the title or common and undivided of the party of the second part known,

All that certain plot, piece or parcel of land, with the buildings and improvements thereon owned, situate,

lying and being in the Town of New Windsor, Orange County, New York, bounded and described as follows:

BEGINNING at a point in the southerly line of Northburgh Blooming Grove Turnpike, State Route 794, Highway 745 at the northeasterly corner of Lot 26 as above and laid down on a subdivision map titled "Subdivision of Lands of Mrs. Frank Maurice, Valle Gato, New Windsor, Orange County, New York", the said map being filed as Map #1403 in the Orange County Clerk's Office and runs thence from said point of beginning along the easterly line of said Maurice lands- S. 23 21' E. 149.88 feet to a point; thence into the lands of said Maurice S-43 59' W. 97.39 feet to a point at the southeasterly corner of Lot 27 of said map, thence along the easterly line of said Lot 27 S-23 38' W. 150.6 feet to a point in the southerly line of Route 794, thence along said line S-63 59' E. 92.91 feet to the point or place of beginning. Being Lot No. 6 of said Maurice lands as hereby described and containing an area of 327/1000 of an acre, to the same more or less.

Also, the right and use in common with others over a right of way 20 feet wide extending from the southerly line of Route 794 in a southeasterly and northeasterly direction to the southeasterly line of Lot 1 as shown on the aforementioned map and being described as follows:

BEGINNING at a point in the southerly line of Route 94 at the northeasterly corner of Lot 22 of said Maurice subdivision map and runs thence along the said line of Route 94-S-63 19' E. 30.04 ft. to a point, thence along the westerly line of (Lot 23) S-30 29' E. 149.88 feet to a point; thence along the northerly line of said right of way, hereby described, being along the southerly line of Lots 23/24 and 25 S-63 59' E. 150.34 feet to a point in the southeasterly line of Lot 24, thence along said line S. 67 30' E. 21.65 feet to a point at the northeasterly corner of Lot 20, thence along the southerly line of said lot being the southerly line of said right of way S-63 59' E. 176.17 feet to a point at the northeasterly corner of said Lot 20, thence along the southerly line of said right of way, being also along the easterly line of Lot 22, the following three courses and distances:  
1- S. 35 32' E. 20.30 feet to a point;  
2- S. 33 06' E. 22.51 feet to a point;  
3- S. 30 29' E. 121.93 feet to the point or place of beginning.

along the westerly line of said Lot 25 S-23 30' W. 22.46 feet to a point, thence S-66 38' W. 30.03 feet to a point; thence S. 23 38' E. 21.65 feet to a point in the southerly line of said right of way, thence along said line S-63 59' E. 30.04 feet to the point or place of beginning.

EXCEPTING out of the above described premises any parcels which may have been sold off.

BEING the same premises conveyed by William Landolfi and Marlene Maurice to Josephine Maurice by Deed dated September 26, 1970 and recorded October 29, 1970 in Liber 1854 of Deeds at page 1087.

BEING the same premises conveyed by Josephine Maurice to Ashton Powell and Joseph Efron by Deed dated November 12, 1973 and recorded November 28, 1973 in the Orange County Clerk's Office in Liber 9083 of Deeds at page 646.

1/26/85  
Bryon  
Poe  
2446 N 137

A 24

THIS AGREEMENT, made the 21st day of November, 1975, between

ASHTON BOWELL residing at 18 Vinding Lane, Newburgh, New York and JOSEPH EFFROS residing at 371 Main Street, Poughkeepsie, New York

party of the first part, and JOSEPH EFFROS residing at 371 Main Street, Poughkeepsie, New York.

party of the second part, WHEREAS, the party of the first part, in consideration of \$10.00

THE AND 00/100

hold money of the United States.

by the party of the second part, then hereby given and release unto the party of the second part, the lots or

common and outgo of the party of the second part shown.

ALL the certain plot, place or parcel of land, with the buildings and improvements thereon erected, situate

being and being in the Town of New Windsor, Orange County, New York, bounded and described as follows:

BEGINNING at a point in the southerly line of Newburgh Blooming Grove Turnpike, State Route 94, Highway 94 at the northeasterly corner of Lot 26 as shown and laid down on a subdivision map titled "Subdivision of Lands of Mrs. Frank Maurice, Velle Gate, New Windsor, Orange County, New York", the said map being filed as Map #149 in the Orange County Clerk's Office and runs thence from said point of beginning along the easterly line of said Maurice Lands- S. 23 21' E. 149.00 feet to a point; thence into the lands of said Maurice S-63 39' W. 97.39 feet to a point at the southeasterly corner of Lot #3 of said map, thence along the easterly line of said Lot #3 S-23 38' E. 150.0 feet to a point in the southerly line of Route 94, thence along said line S-63 39' E. 32.91 feet to the point or place of beginning. Being Lot No. 6 of said Maurice lands as heretofore described and containing an area of 327/1000 of an acre, be the same more or less.

ALSO, the right and use in common with others over a right of way 20 feet wide extending from the southerly line of Route 94 in a southeasterly and northeasterly direction to the southwesterly line of Lot 7 as shown on the aforementioned map and being described as follows:

BEGINNING at a point in the southerly line of Route 94 at the northeasterly corner of Lot 72 of said Maurice subdivision map and runs thence along the said line of Route 94 S-63 39' E. 20.04 ft. to a point, thence along the easterly line of (Lot #3) S-30 29' E. 149.40 feet to a point thence along the southerly line of said Lot #3 of

TOGETHER ALSO in common use with others to the well lot and well facilities therein as shown and designated on said map a Lot #4 and being described as follows:

BEGINNING at a point at the southwesterly corner of Lot #3 being in the northerly line of said 20 feet wide right of way and runs thence along the westerly line of said Lot #3 S-23 38' W. 22.06 feet to a point, thence S-66 30' W 30.03 feet to a point; thence S. 23 38' E. 23.55 feet to a point in the northerly line of said right of way, thence along said line S-63 39' E. 30.0 feet to the point or place of beginning.

EXCEPTION out of the above described premises any parcels which may have been sold off.

BEING the same premises conveyed by Marianna Landolfi and Marianna Maurice to Josephine Maurice by Deed dated September 18, 1970 and recorded October 29, 1970 in Liber 1030 of Deeds at page 1007.

BEING the same premises conveyed by Josephine Maurice to Ashton Bowell and Joseph Effros by Deed dated November 17, 1975 and recorded November 28, 1975 in the Orange County Clerk's Office in Liber 2023 of Deeds at page 646.



EASEMENT

USE 2023 PC 646

EASEMENT granted this 21st day of November, 1975, in consideration of the sum of ONE (\$1.00) DOLLAR, the payment of which is waived, the undersigned, MRS. FRANK MAURICE, residing at 41 Kingswood Gardens, New Windsor, County of Orange, New York,

hereinafter called "Grantor," hereby grants unto the TOWN OF NEW WINDSOR, hereinafter called the "Grantee", a municipal corporation having its office at No. 555 Union Avenue, Town of New Windsor, Orange County, New York, for the use of Sewer District No. 19, a perpetual right-of-way and right of entry to enter upon and lay, install, operate, maintain and replace a pipe, pipeline, manhole or manholes, and appurtenances for conveying sewage under the property of the grantor which is described in Schedule A hereto attached.

The Grantor reserves the right to use and enjoy the said premises, except for the rights and privileges herein described and granted, provided that such use shall not interfere with or cause injury or damage to the said sewer line or appurtenances thereto.

This Easement is made upon the following expressed conditions and reservations which shall run with the land and be binding upon and inure to the benefit of the Grantor and the Grantee and their respective successors, heirs or assigns;

(a) That the Grantee shall, at its own cost and expense after completion of the original construction and the completion of any future repairs to the sewer line, restore the surface of said lands and premises to substantially the same conditions as before such construction or repairs.

under its control and supervision and the Grantor and its successors and assigns

shall not interfere with or cause injury or damage to said sewer line or appurtenances.

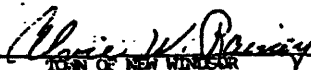
(c) That the Grantor shall have the right to enter at any manhole or other location along the sewer line easement for the purpose of connecting to the said sewer line.

(d) That the Grantor shall have the right to place a road over or across the location of the aforesaid sewer line easement and also the right to pave any section of the said sewer line easement area for the purpose of parking facilities.

(e) That the Grantee agrees to provide reasonable and necessary surface water drainage facilities including the installments of culverts to prevent any flooding or ponding on the property of the Grantor caused by the construction and location of the said sewer line.



MRS. FRANK MAURICE



By: ALVIE W. RAINEY, Deputy Supervisor

- 2 -

2023 PG 647



# **National Attorneys' Title Insurance Company**

## **MUNICIPAL, DEPARTMENTAL AND INFORMATIONAL SEARCHES**

Title No. GR-10-29060-0

Departmental Searches against Premises No. Route 94 is State maintained.

Department of Buildings — Certificate of Occupancy (see attached)

Fire Department — Violations none of record.

NEF 4/20/87 (kg)

## **FOR INFORMATION ONLY**

Any searches or returns reported herein are furnished FOR INFORMATION ONLY. They will not be insured and the company assumes no liability for the accuracy thereof. They will not be continued to the date of closing. If searches in departments other than those shown hereon are required they must be specifically ordered.

### **STREET VAULTS**

If there is a STREET VAULT, it is suggested that applicant investigate possible unpaid license fees owed to the municipality for the use of such vault. The right to maintain it IS NOT INSURED.



1763

# TOWN OF NEW WINDSOR

555 UNION AVENUE  
NEW WINDSOR, NEW YORK

April 6, 1987

Grendell Abstract Inc.  
380 Broadway  
Newburgh, New York

Re: Property assessed to Effron  
Section 67 Block 5 Lot 5  
Title No. GR 10-29060-0

Dear Sirs:

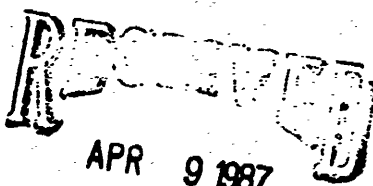
Please be advised that the structure located on the above referenced property was built in 1955 which was prior to this town adopting Building and Zoning Codes in 1966. Therefore, there is no Certificate of Occupancy for said structure nor is one required. However, according to our files this structure was shown as being remodeled in 1968, and there is no Certificate of Occupancy on our records as being issued to this structure.

Route 94, the road upon which said property abuts is owned and maintained by the State.

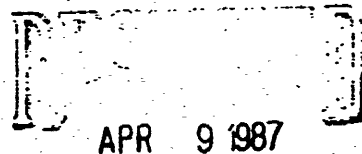
Very truly yours,

  
Michael Babcock  
Building Inspector

MB:hs.



GRENDALL ABSTRACT, INC.



GRENDALL ABSTRACT, INC.

# NATIONAL ATTORNEYS'

TITLE INSURANCE COMPANY



Corporate Offices  
111 Church St. - P.O. Box 511  
White Plains, New York 10602-0511

## Additional Closing Requirements

These requirements are a part of this Certificate and must be complied with:

1. **Identity.** The identity of all persons executing the papers delivered on the closing must be established to the satisfaction of this Company. Therefore, an affidavit of title may be required.
2. **Contracts.** All contracts must be submitted for consideration prior to the closing of title.
3. **Transfer Taxes.** The provisions of the New York State Stamp Tax Act and, if the premises are located within the cities of New York, Yonkers or Mount Vernon, the provisions of the Real Property Tax Law for said cities must be complied with.
4. **Corporations.**
  - a. **Resolution of Board of Directors:** A copy of an appropriate resolution of the board of directors must be furnished when a corporation is to execute the deed, mortgage or lease to be insured.
  - b. **Stockholders Consent:** Satisfactory proof of consent of all the stockholders in writing, or two-thirds at a meeting duly called, must be furnished when a stock corporation is selling, leasing, exchanging or otherwise disposing of all or substantially all of its property. Consent of stockholders is not required when a mortgage is made by a corporation unless the certificate of incorporation, a bylaw or a statute creating the corporation requires such consent.
5. **Building Loans.** In building loan transactions the contract must be filed at or before the recording of the mortgage, and all advances thereunder must be made in accordance with the terms of such contract. All searches must be continued for each advance and the Company notified of the date and amount of each advance. Applicant must decide whether a survey or surveys should be obtained before making any advance, since in the absence of a new survey, or the redating of the existing survey to the date of each advance, the policy in such cases will except any changes which might have occurred since the date of the survey used herein or will except any state of facts which an accurate survey may show if no survey protection has been ordered.
6. **Estoppel Certificates.** If an assignment of an existing mortgage or other lien is to be insured, proper estoppel certificates executed in recordable form by the owners' of the fee and of subsequent encumbrances must be obtained before the closing of the title.
7. **Franchise Taxes.** If the party certified to execute the closing instruments is a corporation, possible unpaid New York State franchise taxes and New York City corporation taxes becoming liens after the date of the Certificate will be excepted from coverage under our policy. This applies also to a corporation acquiring title after the date of this Certificate and executing any of the closing instruments.
8. **Deed In Lieu Of Foreclosure.** Where the Company is asked to insure title to the grantee in a conveyance made to avoid foreclosure or in any other case which does not involve an actual sale of the property, the policy will contain the following exception: "Possibility of the transfer, conveyance or deed being attacked or set aside under the Bankruptcy Law, by reason of a petition in bankruptcy being filed by or against the grantor within one (1) year of the date of recording of said conveyance and any loss or damage from claims or rights, if any, of the creditors of the grantor." This exception may be eliminated only on approval of counsel after the Company is furnished with satisfactory proof in affidavit form of the solvency of the grantor, the fairness of the transaction, the consideration paid for the conveyance, the default existing under the mortgage and, if the grantor is a corporation, the consent of all stockholders.
9. **Continuation Of Searches.** This Company must be notified immediately of the recording or the filing, after the date of this Certificate, of any instrument and of the discharge or other disposition of any mortgage, judgment, lien or any other matter set forth in this Certificate and of any change in the transaction to be insured or the parties thereof. The continuation will not otherwise disclose the disposition of any lien.
10. **Trust Clause.** Deeds and mortgages must contain the trust clause required by Section 13 of the Lien Law.
11. **Reference to Surveys And Maps.** Closing instruments intended for record should make no reference to surveys or maps unless such surveys or maps are on file. The Register or County Clerk may refuse to accept instruments which contain a reference to a survey even in the "subject" clause.
12. **Insured.** Capacity of the insured to take, hold, mortgage and convey real property must be considered.



1763

# TOWN OF NEW WINDSOR

555 UNION AVENUE  
NEW WINDSOR, NEW YORK 12553  
Telephone: (914) 563-4633  
Fax: (914) 563-4693

## OFFICE OF THE ASSESSOR FOR THE TOWN

January 23, 1998

Bartlett and Bartlett  
11 Orchard Street, P. O. Box 379  
Walden, N. Y. 12586  
Attn: G. R. Bartlett, Esq.

Re: Section 67 - Blk. 5 - Lot 5

Dear Mr. Bartlett:

According to our records, the attached list of property owners are within five hundred (500) feet of the above-referenced property. Also be advised that the above parcel crosses into the Town of Cornwall.

The charge for this service is \$45.00, minus your deposit of \$25.00. Please remit the balance of \$20.00 to the Town Clerk's Office.

Sincerely,

*L. Cook*

LESLIE COOK  
Sole Assessor

/pab  
Attachments

~~RECEIVED~~

Bruyn, Charles D. & Frances E.  
P.O. Box 303  
Vails Gate, N. Y. 12584

Cornwall Coal & Supply Co., Inc.  
Box D-Station Road  
Cornwall, N. Y. 12518

County of Orange  
255-275 Main Street  
Goshen, N. Y. 10924

Tarkett, Inc.  
800 Lanidex Plaza  
Parsippany, N. J. 07054

McCarthy, Paul & Donna  
58 Riley Road  
New Windsor, N. Y. 12553

Bryant & Ella Mae Harris  
Box 525  
Vails Gate, N. Y. 12584

Andrew A. Stahl, Jr.  
54 Riley Road  
New Windsor, N. Y. 12553

Leonard T. & Patricia D. Trizinsky  
50 Riley Road  
New Windsor, N. Y. 12553

Edward L. Miele  
Station Street - P. O. Box 116  
Southfields, N. Y. 10975

James E. Duffy  
30 Riley Road  
New Windsor, N. Y. 12553

Erie Properties Corp.  
401 So. Water Street  
Newburgh, N. Y. 12553

Alan & Linda Jobson  
P. O. Box 655  
Vails Gate, N. Y. 12584

Gary A. & Sharon P. Young  
Box 104  
Vails Gate, N. Y. 12584

Hudson Valley Drilling  
1104 Route 94  
Salisbury Mills, N. Y. 12577

First Venture of New Windsor, Inc.  
720 Route 208  
Gardiner, N. Y. 12525

Route 94 Properties, Inc.  
71 High Avenue  
Nyack, N. Y. 10960

Vernon & Brenda Peterson  
P. O. Box 494  
Vails Gate, N. Y. 12584

Beth H. Collins  
Fritz R. Hyatt  
614 Union Avenue  
New Windsor, N. Y. 12553

Daniel J. & Carol A. Nagy  
P. O. Box 66  
Vails Gate, N. Y. 12584

Luke F. Barnes  
Box 725, Garland Street  
New Windsor, N. Y. 12553

Fernando & Angela Collini  
P. O. Box 116  
Vails Gate, N. Y. 12584

Kwok Hei-San  
35 Dewitt Street  
Middletown, N. Y. 10940

Richard G. & Karen E. Mayer  
1113 Route 94  
New Windsor, N. Y. 12553

Steven M. Cruver  
P. O. Box 74  
Salisbury Mills, N. Y. 12577

Elaine P. Maurice  
P. O. Box 366  
Vails Gate, N. Y. 12584

Robert & Victoria Mule  
P. O. Box 565  
Vails Gate, N. Y. 12584

Romor Leasing Co., Inc.  
P. O. Box 1656  
Wappingers Falls, N. Y. 12590

Frederick & Christine Naclerio  
408 Carlton Circle  
New Windsor, N. Y. 12553

Kenneth E. & Patricia Bates  
P. O. Box 294  
Vails Gate, N. Y. 12584



Date 11/17/98, 1998

# TOWN OF NEW WINDSOR

**TOWN HALL, 555 UNION AVENUE  
NEW WINDSOR, NEW YORK 12553**

TO ..... Frances Roth ..... DR.

168 N. Drury Lane

..Newburgh; N.Y.: 12550

DATE		CLAIMED	ALLOWED
1/12/88	Zoning Board Mtg	75.00	
	Misc 2		
	Waltke - 6      27.00		
	Frieuman - 7		
	Metzger - 4		
	Rossland - 5		
	Wahlbon - 3		
	Kirk - 4	139.50	
	<u>31</u>	<u>214.50</u>	

PRELIMINARY MEETING:

WALTKE, ROBERT

MR. NUGENT: Request for use variance to allow three-family residence in an NC zone located on Route 94.

George R. Bartlett, Jr., Esq. appeared along with Mr. Robert Waltke before the board for this proposal.

MR. BARTLETT: It's not an application for a variance, it's an application for declaration that the property is a pre-existing non-conforming use. I have submitted I think five copies of a petition to the board. Fundamentally, this is a house situate, you have got the map right here, it's just on the other side of the Thruway. The lot size is about 93 but 150 deep, there's a three-family house that has been in existence there from some time in the '60's. The records indicate that the zoning ordinance in this particular township was adopted as of March of 1975 and the ordinance here provides that any residential use not other kinds of use, but any residential use at the time the adoption of the ordinance can continue. And what I have supplied you with is first of all copy of the deed, supplied you with Mr. Babcock's letter saying that there was some work done on the premises in 1968. I supplied an affidavit that this has been used as a three-family house prior to and since 1966. I have also supplied as documentary proof listings of the property by the owner at the time as a three family home in March 27, 1975 and at that time, there were three Central Hudson meters at the premises, which is very indicative of the fact it was a three family home. I also submitted a copy of an October 1, 1975, October 13, 1975 legal binders on the property describing it as three-family house. What I am asking for is a declaration by this board so that the building inspector then could issue a declaration or letter to the effect that this is a valid pre-existing non-conforming residential use under your ordinance.

MR. NUGENT: Mike, does it have a C.O. on this house?

MR. BABCOCK: No, I think it was built before zoning. It was built in '55, but according to our records, when the assessor was there sometime in, and I don't have the entire information, that was assessed as a one family and then sometime later on, it was assessed as a two family sometime later on assessed as a three family.

MR. NUGENT: Is he paying taxes on three family now as we speak?

MR. BARTLETT: The answer is yes, it's listed, it's classified by the county which I assume comes from the way back Larye-Trumble assessments as a 230 which is a residential three family.

MR. BABCOCK: Just in keeping with the assessment, the assessment doesn't change as far as the assessed value of a house, whether it's a one family two family or three family. It's assessed for what they have, they have three kitchens, they are assessed for three kitchens. So the one family, two family, three family really has nothing to do with the assessment. May have something to do with the utilities as far as water, sewer and so on, but the assessment doesn't. What we're saying I can only say what our records say, I wasn't here then, we're saying that our records, that that house was a one-family house at one time then it went to a two-family house, I mean you'd have to have the assessor read her card, I don't want to do that, when those times changed and then it went to sometime after that to a three-family house, so what she's telling me the assessor's office is that that was a one-family house at one time and then they illegally changed it to a two family then they illegally changed it to a three family. This gentleman I don't believe did that, before he bought it, it was, those items happened, that is what I feel.

MR. NUGENT: How is the one across the street from the Deli, Mario's Deli, or whatever it is?

MR. BARTLETT: Yes.

MR. NUGENT: Used to belong to?

MR. WALTKE: Sold to me as a three family.

MR. BABCOCK: Right, I think when Mr. Waltke bought it, he bought it with the knowledge of it being a three family.

MR. BARTLETT: By the way, we have no quarrel with the building inspector, he's been most cooperative and most gentlemanly to us throughout. He doesn't feel and he's quite real that he should take the bull by the horns, start declaring this so that isn't, so that is why we're here but at the time Mr. Waltke bought it, he was informed by the building inspector that no C.O. was needed because it was built in 1955 and furthermore, in 1968 there had been some modifications made and I submitted that letter with the draft here, some modifications made and that was it, fundamentally. However, 1975, it's our really our date here that is the date of the effectiveness of the ordinance so that as far as we, the only proof I can give you are affidavits from previous owners that in 1968, prior to 1966, it was three family, may well have been one family in 1955 and also the fact that it has been classified for, I don't think any question that it has been classified last 25 years by the assessor and everyone else as a three-family house, it was listed in 1975 and had three separate meters at that time which is pretty strong indication it was three family then but as far as going back and having pictures taken 40 years ago, we don't have them and never could have them.

MR. REIS: When did you take possession of the property?

MR. WALTKE: Ten years ago.

MR. BARTLETT: And it's been operated since then as a three-family home with no problems, what's the present problem, interest rates are low, be nice to refinance and get a formal declaration, that it is a three-family house, no question. If I can answer any question, I have given you copies of all the evidence.

MR. KRIEGER: Has to be an interpretation which means that the board has to hold a public hearing, you should understand as far as the procedures are concerned, this board has no choice.

MR. BARTLETT: If the board wants to consider this as an application for an interpretation of the ordinance, I have no objection and I understand under those circumstances, I have to give public notice and I don't mind doing that, I truthfully think I'm asking for something a little different but you can look at it that way, I can't argue with you but I'd rather go through whatever you want me to do.

MR. KRIEGER: Whatever the Zoning Board of Appeals does they have to hold a public hearing, they cannot make it, cannot make a determination without it and I understand the differences in your application I say interpretation because it has to fit into some existing pigeonhole.

MR. BARTLETT: I have no trouble with holding a public hearing because I'd rather, I mean it's just one more cross and dot on the T and I and I'd rather make sure nobody ever questions it.

MR. KRIEGER: Certainly a refinance with the bank would look for that, could I ask to have a meeting scheduled for your March meeting if convenient?

MR. REIS: Make a motion.

MR. NUGENT: Yeah.

MS. BARNHART: We don't schedule meetings at this meeting, you have to get paperwork back to us and then we'll reschedule.

MR. NUGENT: Under the circumstances, I believe that the board should set the gentleman up for a public hearing and give us some time to digest all this information which is a lot to deal with in five seconds and I will accept a motion to that effect.

MR. REIS: Make a motion we set up Mr. Waltke for their

January 12, 1998

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requested variance.

MS. OWEN: Second that motion.

ROLL CALL

MS. OWEN	AYE
MR. REIS	AYE
MR. NUGENT	AYE

MS. BARNHART: Here's your paperwork.

MR. BARTLETT: What I have to know though to draw the notice for public hearing, I'm going to need to know the date and the time.

MS. BARNHART: Well, first of all, the first thing you have to do is get in touch with the assessor's office and order a list, okay, so we don't know when that is going to be, read that, there's no point in putting a date until we have all the paperwork. So when you have that, then you can call and we'll put a date on the notice.

MR. BARTLETT: Okay, fine, I can do that. The thing is I don't need an application, I filed an application, that is all the paperwork so we're not asking for a variance.

MR. KRIEGER: You did file an application?

MR. BARTLETT: Yes.

MS. BARNHART: That is the application, it covers everything including an interpretation.

MR. KRIEGER: If he's already filed the application then--

MS. BARNHART: No, that is an application for a building permit.

MR. BARTLETT: No, it's not, it's the denial of what we asked for from the building inspector. Your ordinance provides any action of the building inspector is to be

January 12, 1998

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appealed to this board.

MR. NUGENT: That is how you got here.

MS. BARNHART: That is te referral to us, this is the application for--

MR. BARTLETT: That is an application, you want it on your form, okay, no problem.

MR. NUGENT: You can't get here without that.

MR. BARTLETT: What I did was I fastened that, I will use your formal application, that is no problem.

MR. REIS: We'll expedite as quickly as we possibly can.

MR. KRIEGER: It's the usual situation.

MR. BARTLETT: I have to follow your procedure as you gentlemen set the procedure and your statute and I don't care what procedure I follow, as long as I get to the right room. So it's fine, so I thank you and you'll have an application before the end of the week.

MR. NUGENT: Thank you. When you make out the application, put in interpretation and/or use variance.

MR. BARTLETT: Fine, no problem.

MR. KRIEGER: That way you have one hearing and two bites at the apple with one trip.

*Bartlett and Bartlett*  
*Counsellors at Law*

*Rec'd.*  
*ZBA 1/15/98*  
*(PAB)*

*George R. Bartlett (1923-1953)*  
*George R. Bartlett, Jr.*

*11 Orchard Street, P.O. Box 319*  
*Walden, New York 12586*  
*(914) 778-5621*  
*Fax: 914-778-7020*

January 13, 1998

Ms. Leslie Cook  
Assessor  
Town of New Windsor  
Town Hall - 555 Union Avenue  
New Windsor, New York 12553

Dear Ms. Cook:

I enclose herewith my check in the sum of \$25.00 payable to the Town of New Windsor. Please furnish me with a variance list for the mailing of notices to all property owners within 500 feet of premises owned by Robert S. Waltke Section 67, Block 5, Lot 5. When the list is completed please notify me and I will forward any additional fee to your office.

Very truly yours,



G. R. Bartlett, Jr.

GRB/am

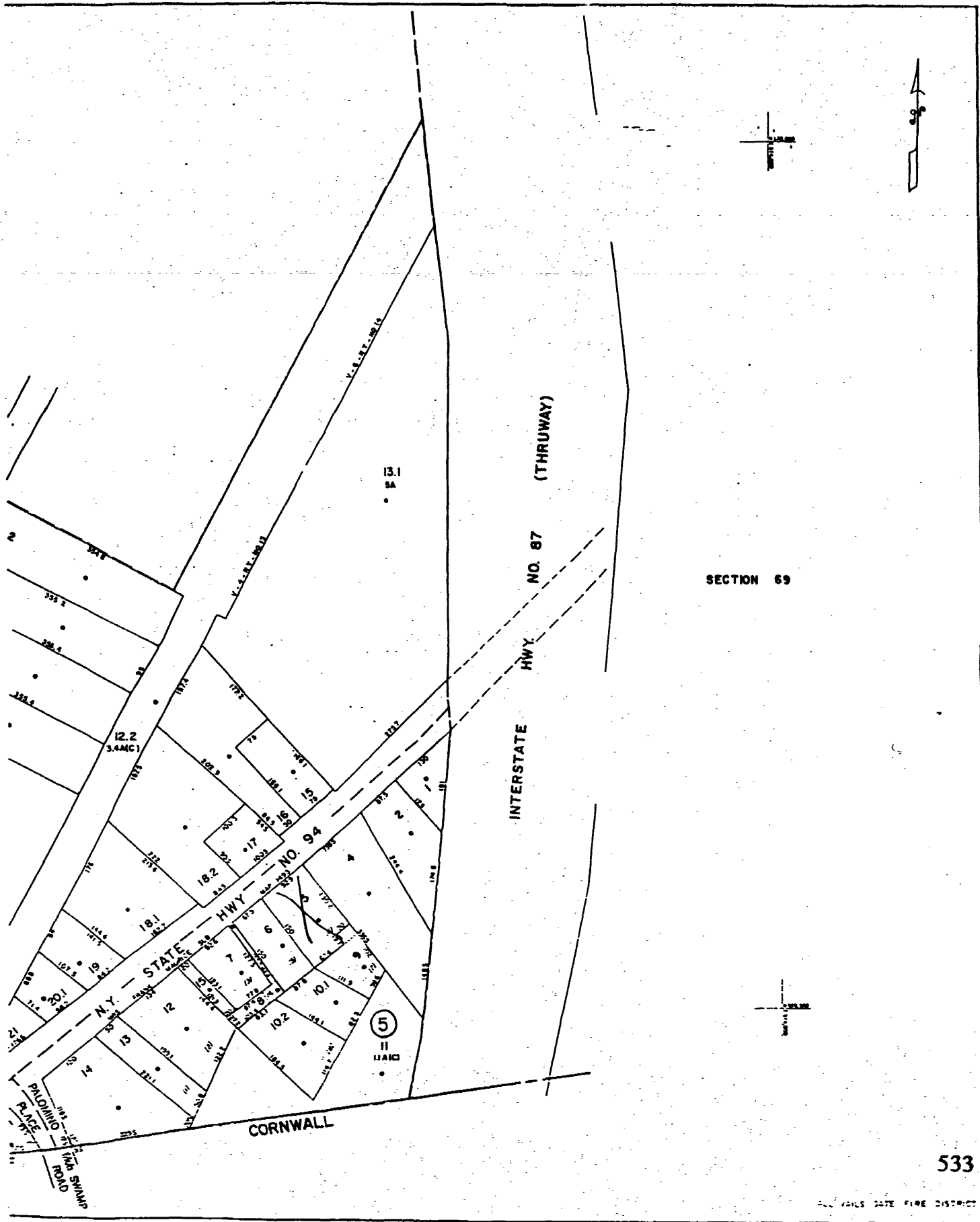
Enc.

cc.: Ms. Patricia A. Barnhart, Secretary  
Zoning Board of Appeals



SECTION	BLOCK	LOT	TOWN OR VILLAGE	SPECIAL DISTRICT					ASSESSED VALUE			SEQ.
				SCHOOL	FIRE	LIGHT	WATER	OTHER	LAND	IMPROV.	TOTAL	
67	05	0050029	TOWN OF NEW WINDSOR	1	1	1			6400	5240	11640	N
OWNER NO. LOCATION									DIMENSIONS		ACRES	
PT. 329501.6 MRS FRANK MAURICE SUB									093X150X1R			
MAURICE MAURICE JOSEPHINE									DEED RECORDED			
VAILS GATE N Y Bot 51 12584									DATE	BOOK	PAGE	
Rowell, Ashton, Effron, 305.									9/10/70	1858	1007	
<del>12 ONALA New Windsor</del>									11/17/52	2023	1118	
410 Joseph Effron												
521 Main St. Poughkeepsie NY 12602												
571 Main Street Poughkeepsie NY 12601									12	3852446	136	
Effron, James W. (Executor) for Joseph Effron									7 10	872747	57	
VanWagenen, Robert & Marie E.									7 10	872747	57	
Route 94, New Windsor, NY												
Waltke, Robert									7 10	872747	52	
Beecher Hill Rd., Box 137A, Wallkill, NY 12589												

AERO SERVICE  
DIVISION OF LITTON INDUSTRIES

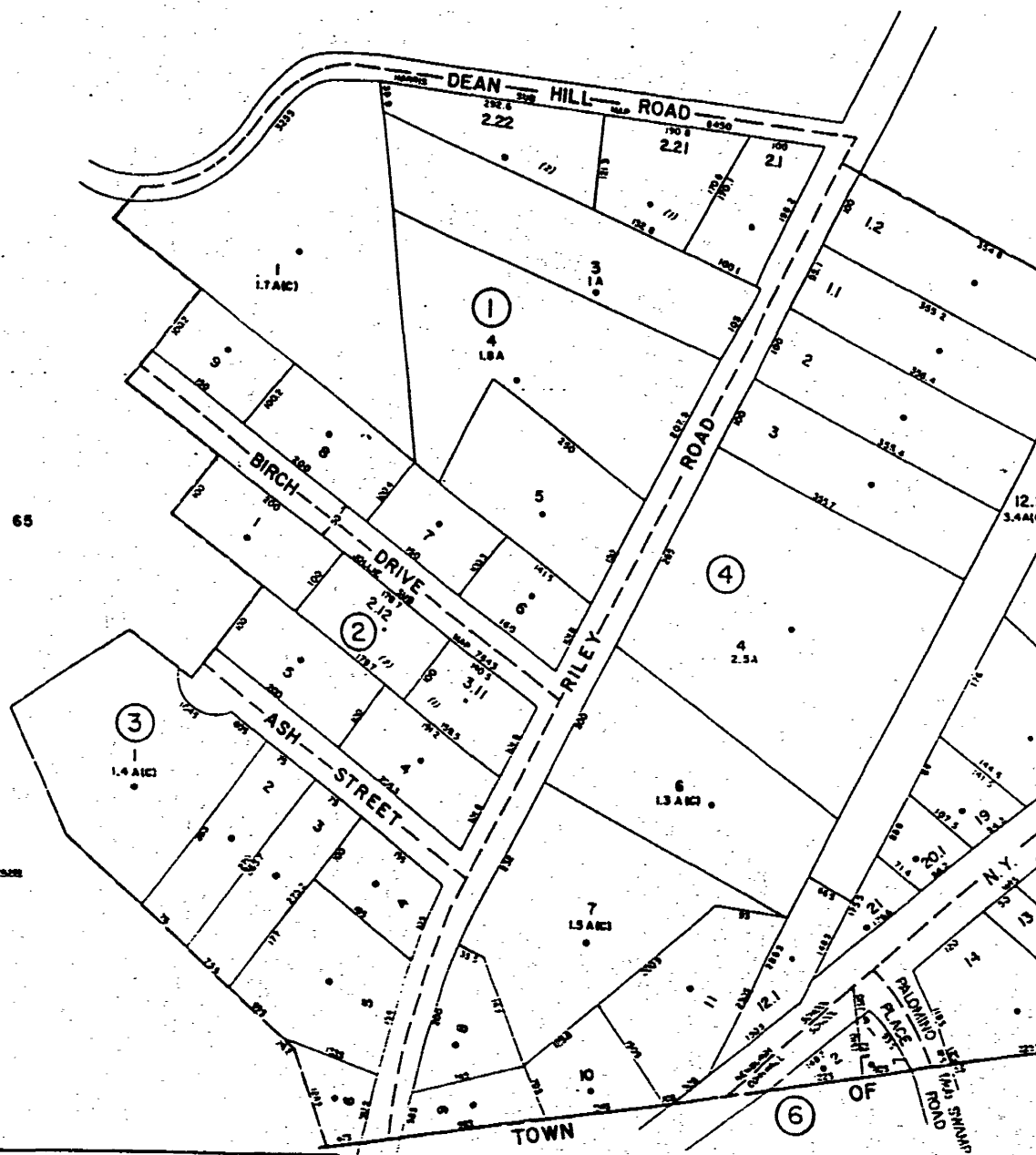


# ORANGE COUNTY-NEW YORK

Photo No. 9-497-999 Date of Map: 3-24-57  
 Date of Photo: 3-1-55 Date of Revision: 3-1-93  
 Scale: 1" = 100'

TOWN OF NEW WINDSOR  
 Section No. 57

FILED PLAN BOOK NO.	57
FILED PLAN LOT NO.	
STATE HIGHWAYS	
LOCALITY - OWNERS	
1734m 00a39	

**SECTION 65****SECTION 65**

LEGEND			
STATE OR COUNTY LINE	-----	STATE MAP SHEET NO.	6
CITY TOWN OR VILLAGE LINE	-----	STATE MAP SHEET NO.	32
TRACT'S SECTION OR CITY	-----	STATE MAP SHEET NO.	32
SECTIONAL DISTRICT LINE	-----	STATE MAP SHEET NO.	32
PROPERTY LINE	-----	STATE MAP SHEET NO.	32

ZBA  
Corres. file

## MEMORANDUM

**To:** Michael Babcock, B. I.  
**From:** Phil Crotty  
**Subject:** Waltke Premises - Section 67 - Blk. 5 - Lot 5  
**Date:** October 16, 1997

I am attaching a letter from the attorney for Robert Waltke who purchased the above-mentioned premises on 6/23/87. The attorney, G. R. Bartlett, Jr., wants to establish in writing that the premises are a valid three-family house by reason of pre-existing, non-conforming use.

As you know, I do not generate letters dealing with zoning and building matters. The letters customarily come from your office; and if there is a problem, you direct the matter to the Zoning Board of Appeals.

I would appreciate your replying directly to Mr. Bartlett and sending me a copy of the letter. If you are not in a position to write such a letter, then please contact Mr. Bartlett to arrange for the matter to move on to the ZBA for an interpretation.

PAC

pac/pab

*Bartlett and Bartlett*  
*Counsellors at Law*

RECEIVED  
OCT 14 1997

*George R. Bartlett (1923-1953)*  
*George R. Bartlett, Jr.*

*11 Orchard Street, P.O. Box 379*  
*Walden, New York 12586*

(914) 778-5621

Fax: 914-778-7020

October 10, 1997

Philip A. Crotty, Jr., Esq.  
Temple Hill Road  
New Windsor, NY 12553

Dear Phil:

This letter is written to you as attorney for the Town of New Windsor. I represent Robert Waltke who purchased certain premises in the Town of New Windsor on June 23, 1987. Mr. Waltke's premises had been used as a three (3) family home. So that there will be no question concerning the record, we wish to obtain a declaration that the property is a valid pre existing nonconforming use permitted by right pursuant to Section 48-24 of the Zoning Ordinance of the Town of New Windsor. I enclose herewith our summary of some of the evidence concerning the use of the premises.

After you have had an opportunity to read the enclosures it would be sincerely appreciated if you could call me so that we may discuss this matter.

With very best personal regards, I am,

Very truly yours,

*"Bucky"*

G. R. Bartlett, Jr.

GRB/am  
Encl.

67-5-5.00



## PT LT 6 MRS FRANK MAURICE SUB

93x150xIR

ASSESSMENT	19 <u>90</u> ✓	19 _____	19 _____	19 _____
LAND	6400			
IMPROVEMENTS	32,300			
TOTAL	38,700			
EXEMPTION				
TAXABLE				

[illegible]

RECORD OF OWNERSHIP		
1	ROWELL ASHTON & JOSEPH EFFRON	11/75
2	EFFRON JOSEPH \$30,000.00	12/85
3	VANWAGENEN ROBERT & MARIE E \$57,000.00	7/87
4	WALTKE ROBERT	7/87
5		

**ORANGE COUNTY RESIDENTIAL/FARM/VACANT  
DATA COLLECTION FORM**

## SPECIAL DISTRICTS

SEWER	FIRE
PARK	WATER
SCHOOL	LIGHT
AUDIT CONTROL	

MEASURED BY: table DATE 08-16-89  
 LISTED BY: table DATE 08-16-89

SOURCE: 1 OWNER 2 SPOUSE 3 TENANT  
 4 OTHER 5 ESTIMATE 6 REFUSAL

334800 67 5 5  
SWIS S B t

PROPERTY ADDRESS: ROUTE 94

MUSCO JOSEPH & DOMINICK

**OWNER:** \_\_\_\_\_

MAILING ADDRESS: \_\_\_\_\_

**SITE:** 01 **PROPERTY CLASSIFICATION:** 2.3

**EXEMPT (E OR N)**

CARD 01 OF 01 GRID COORDINATES E           

SALE PRICE: 82000 DATE: 7-87 N       

SALE PRICE: \_\_\_\_\_ DATE: \_\_\_\_-\_\_\_\_-\_\_\_\_

**SALES VERIFICATION** SOURCE: 1 BUYER 2 SELLER 3 FEE 4 AGENT  
VALID SALE: 0 NO 1 YES  
SALES TYPE: 1 LAND 2 BUILDING 3 LAND AND BUILDING

## SITE DESCRIPTION: GENERAL PROPERTY FACTORS

NEIGHBORHOOD I.D.                     

**ZONING:** \_\_\_\_\_

**TOPOGRAPHY RATING: 1 GOOD 2 FAIR 3 POOR 4 VERY POOR**

**LAYOUT (FARMS ONLY): 1 PDOR 2 AVERAGE 3 GOOD**

**FLOOD RATING: 1 ALWAYS 2 MIXED 3 OFTEN 4 SOME 5 NEVER**

**SITE ELEVATION: 1 BELOW STREET 2 LEVEL 3 ABOVE STREET**

**DWELLING SETBACK: NEAREST 10 FEET**

ROAD: 1 PAVED 2 UNPAVED 3 PROPOSED 4 NONE

**SIDEWALK: 1 YES 2 NO**

WATER: 0 NONE 1 PRIVATE 2 COMMERCIAL 3 PUBLIC

SEWER: 0 NONE 1 PRIVATE 2 COMMERCIAL 3 PUBLIC

**OTHER UTILITIES: 0 NONE 1 GAS 2 ELECTRIC 3 GAS/ELECTRIC**

NEIGHBORHOOD TYPE: 1 RURAL 2 URBAN 3 SUBURBAN 4 SUBDIVISION

**NEIGHBORHOOD TREND: 1 DECLINING 2 STATIC 3 IMPROVING**

NEIGHBORHOOD DESIRABILITY: 1 EXCELLENT 2 VERY GOOD  
3 GOOD 4 AVERAGE 5 FAIR 6 POOR 7 VERY POOR

**LOT LANDSCAPING: 1 EXCELLENT 2 GOOD 3 FAIR 4 POOR 5 NONE**

**DRIVEWAY: 1 IMPROVED 2 UNIMPROVED 3 NONE**

**FRONTING TRAFFIC: 1 LIGHT 2 MEDIUM 3 HEAVY 4 NONE**

**LOT COMPARED TO SURROUNDINGS: 1 TYPICAL 2 POORER  
3 BETTER 4 NONE**

# RESIDENCE DESCRIPTION

TYPE: 01  
 RANCH 06 CONTEMPORARY 11 LOG CABIN  
 RAISED RANCH 07 MANSION 12 DUPLEX  
 SPLIT LEVEL 08 OLD STYLE 13 BUNGALOW  
 CAPE COD 09 COTTAGE 14 OTHER  
 COLONIAL 10 ROW 15 TOWN HOUSE

NUMBER OF STORIES: 1.0

EXTERIOR WALLS:  
 BRICK 4 CONC BLK 7 STONE  
 FRAME 5 STUCCO 8 ALUM. VINYL  
 BR & FR 6 TILE 9 CONCRETE

AGE: YEAR BUILT 1955 REMODELED 1968

EFFECTIVE YEAR BUILT: 1961

ROOMS: BED 05 BATH 3.5 FAMILY 1  
 TOTAL 11

ASEMENT: PIER/SLAB 2 CRAWL 3 PART 4 FULL

FINISHED AREA (SF)

NE CAR OPENINGS TWO CAR OPENINGS

HEATING: 0 NONE 1 INADEQUATE 2 ADEQUATE

EAT TYPE: NONE 2 HOT AIR 4 HOT WATER  
 ELEC/RADNT 3 STEAM

UEL TYPE: COAL 3 GAS 5 SOLAR  
 OIL 4 ELECTRIC

AIR CONDITIONING: 0 NONE 1 CENTRAL

PLUMBING: 0 NO 1 YES

NUMBER OF KITCHENS: 2

TYPE OF KITCHENS: NONE 1 OLD 2 SEMI-MODERN 3 MODERN

KITCHEN QUALITY (SEE BATH QL. CODES)

## ATTACHED IMPROVEMENTS

STR CODE	MOD. CODE	U	MEASUREMENT 1	MEASUREMENT 2	QUANTITY	GR	YEAR BUILT	RATE	C	FUNC. OBSO.	TOTAL
cp6		3	5	42	1	C	1955			20	
cp6		3	5	23	1	C	1955			20	
cp6		3	8	8	1	C	1958			33	
cp4		3	4	6	1	C	1955			50	

BATH QUALITY: 0 NONE 2 GOOD 4 ECONOMY  
 1 EXPENSIVE 3 AVERAGE 5 INEXPENSIVE

OTHER FACTORS: 4 CHIMNEY 2  
 MASONRY TRIM (SF) 120 FIREPLACES 2

LAYOUT: 1 DESIRABLE 2 UNDESIRABLE

INTERIOR CONDITION 2

EXTERIOR CONDITION 2  
 RELATIVE DESIRABILITY: 0 UNINHABITABLE  
 1 GOOD 2 AVERAGE 3 FAIR 4 POOR

COST FACTORS

GRADE: \*\* C GRADE ADJ 1.00%

PERCENT GOOD 75%

FUNCTIONAL DEPRECIATION

CDU (EX, VG, G, AV, P, VP, UN) ADV

LIVING AREA FIRST FLOOR (SF) 2568

SECOND FLOOR (SF)

ADDITIONAL FLOOR (SF)

HALF STORY FINISHED (SF)

HALF STORY UNFINISHED (SF)

TOTAL LIVING AREA (SF) 2568

UNFINISHED ROOM (SF)

FINISHED ATTIC (SF)

UNFINISHED ATTIC (SF)

RECREATION ROOM (SF)

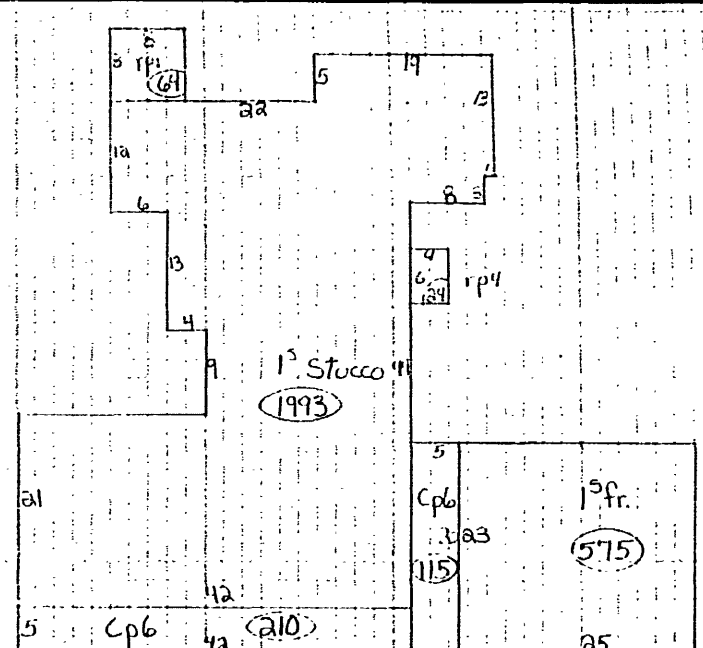
3rd St Comp Trp 1/2 bath added 1981

## DWG. COMPUTATIONS

BASE PRICE	
PLUMBING	
BASEMENT	
BSMT. FINISH	
ATTIC	
HEATING	
TOTAL BASE	
GRADE ADJ.	
TOTAL	
DEPRECIATION	
TOTAL	
ATT. IMPROV.	
DET. IMPROV.	
TOTAL	
FACTOR UPDATE	
TOTAL	

NOTES 2-20-73  
 House was remodeled  
 05-10-73 by G.H.

O W T E I & E R



## DETACHED IMPROVEMENTS

STR. CODE	MOD. CODE	U	MEASUREMENT 1	MEASUREMENT 2	QUANTITY	GR	YEAR BUILT	RATE	C	FUNC. OBSO.	TOTAL
1											
2											
3											
4											
5											
6											
7											
8											
9											
10											

\* UNITS 1 QUANTITY 2 DIMENSIONS 3 SQUARE FEET 4 DOLLARS (MSIONLY)

1 CONDITION 1 GOOD 2 AVERAGE 3 FAIR 4 POOR

\*\* GRADE A EXCELLENT B GOOD C AVERAGE D CHEAP E VERY CHEAP

**ZONING BOARD OF APPEALS : TOWN OF NEW WINDSOR  
COUNTY OF ORANGE : STATE OF NEW YORK**

## In the Matter of the Application for Variance of

Robert Walthe  
Applicant.

# 98-01.

**AFFIDAVIT OF  
SERVICE BY  
MAIL**

**STATE OF NEW YORK)**  
**) SS.:**  
**COUNTY OF ORANGE)**

**PATRICIA A. BARNHART, being duly sworn, deposes and says:**

**That I am not a party to the action, am over 18 years of age and reside at 7 Franklin Avenue, Windsor, N. Y. 12553.**

That on 4/30/98, I compared the 29 addressed envelopes containing the Public Hearing Notice pertinent to this case with the certified list provided by the Assessor regarding the above application for a variance and I find that the addresses are identical to the list received. I then mailed the envelopes in a U.S. Depository within the Town of New Windsor.

Patricia A. Barnhart  
Patricia A. Barnhart

Sworn to before me this  
30<sup>th</sup> day of April, 1998.

Deborah Green  
Notary Public

**DEBORAH GREEN**  
**Notary Public, State of New York**  
**Qualified in Orange County**  
**# 4984065**  
**Commission Expires July 15, 1999**